



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**STOPPING PIRACY:  
REFOCUSING ON LAND-BASED GOVERNANCE**

by

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June 2012

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**STOPPING PIRACY:  
REFOCUSING ON LAND-BASED GOVERNANCE**

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## **ABSTRACT**

The rise in piracy throughout the world in recent years has forced the international community to invest heavily in measures to counter the threat. However, these efforts have had little effect. Lately, the trends in Southeast Asia seem to have turned. In order to counter piracy efficiently, it is critical to fully understand the background and root causes for the phenomenon.

Piracy is blamed by some on poverty, relative deprivation, and the lack of local institutions. This paper investigates piracy in the Caribbean, the Strait of Malacca, and Somalia, and finds that piracy is directly linked to the level of land-based governance. Poverty, relative deprivation, and a lack of local institutions are merely factors exploitable by organized pirate networks in territories with a low level of governance. By exploring levels of land-based governance in territories close to main shipping routes, possible emerging safe havens for pirates may be found.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ASAM	Anti-Shipping Activity Message
ASEAN	Association of Southeast Asian Nations
CTF 151	Combined Task Force 151
EiS	Eye in the Sky
EU	European Union
FAS	Federation of American Scientists
GoA	Gulf of Aden
GPS	Global Positioning System
ICU	Islamic Courts Union
IGAD	Intergovernmental Authority on Development
IMB	International Maritime Bureau
MALSINDO	Malaysia, Singapore, Indonesia
NFD	Northern Frontier District
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia
RMSI	Regional Maritime Security Initiative
RPG	Rocket Propelled Grenade
SNA	Somali National Alliance
SNF	Somali National Front
SNM	Somali National Movement
SSA	Somali Salvation Alliance
TNA	Transitional National Assembly
TNG	Transitional National Government

UN	United Nations
UNCLOS	United Nations Convention on the Law of the Seas
U.S.	United States
USA	United States of America
USSR	The Soviet Union
WFP	World Food Program
WWI	The First World War
WWII	The Second World War

# I. INTRODUCTION

## A. SCOPE AND PURPOSE

Piracy is both a national and a transnational threat. It follows that the responsibility of governing littoral territories with proximity to international shipping routes is also both a national and transnational challenge.<sup>1</sup> On the national level, long coastlines and challenging environments have provided pirates, smugglers, and terrorists with relatively safe environments for their activities. Lack of internal governance and lack of presence of policing forces in these areas create fertile grounds for a variety of criminal activities.

The rise in piracy throughout the world has forced the international community to invest heavily in measures to counter the threat.<sup>2</sup> However, these efforts have had little effect. Combined Task Force 151 (CTF 151), consisting of Australia, France, Germany, Italy, Pakistan, Canada, Denmark, Turkey, the U.S., and the United Kingdom, was established in January 2009 to counter piracy off Somalia and in the greater Gulf of Aden (GoA). Despite these efforts, statistics show a steady increase in the number of attacks worldwide and in particular in Somalia/GoA.<sup>3</sup> In the period 2003 to 2010, the increase in attacks in Somalia/GoA rose from 21 to 132. The figures for January through September 2011 show a total of 194 attacks in the same area.<sup>4</sup> This was also true for Malaysia and the Strait of Malacca until 2005/2006. Lately, however, the trends in Southeast Asia seem to have turned.<sup>5</sup> In order to counter piracy efficiently, it is important to fully understand the background and root causes for the phenomenon. This paper uses the comparative

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<sup>1</sup> Eduardo Ma R Santos. "Piracy and Armed Robbery against Ships in the Philippines," in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, ed. Graham Gerard Ong-Webb, (Leiden, International Institute for Asian Studies, 2006), 37–52.

<sup>2</sup> United Nations Convention on the Law of the Sea (UNCLOS), CDefinitions of Piracy, Article 101," 1982.

<sup>3</sup> Stig Jarle Hansen, "Piracy in the greater Gulf of Aden: Myths, Misconceptions and remedies," *Norwegian Institute for Urban and Regional Research*, October 2009, <http://www.nibr.no/uploads/publications/26b0226ad4177819779c2805e91c670d.pdf> (accessed 22 March 2011), 1–18.

<sup>4</sup> "2010 Annual IMB Piracy Report," International Maritime Bureau, January 2011.

<sup>5</sup> "2010 Annual IMB Piracy Report." International Maritime Bureau, January 2011.

method to investigate the possible factors that lead to the growth and existence of piracy. It also employs case studies to investigate lack of governance as a possible cause of piracy. The study will also show the lack of correlation between poverty and piracy.

## **B. BACKGROUND**

Piracy is as old as maritime trade. Early records show the existence of piracy in the Aegean and Mediterranean as early as the 13th century BC.<sup>6</sup> Ancient Illyrians, Tyrrhenians, Greeks, and Romans were known to be pirates.<sup>7</sup> A variety of documentation has shown various levels of piracy at sea throughout ancient history in the Atlantic, the Aegean and Mediterranean, and the Pacific. The Vikings, possibly the most infamous pirates in history, raided large parts of Europe and Russia, and went as far as North Africa and Persia on their raids.<sup>8</sup> Toward the end of the 9th century, Muslim pirates had established havens along the coast of southern France and northern Italy.<sup>9</sup> In the 14th century, the Venetian Duke of Crete was forced to put the Venetian fleet on constant guard against Muslim pirates.<sup>10</sup> In 1523, Jean Fleury seized two Spanish treasure ships carrying Aztec treasures from Mexico to Spain, thus initiating what would later be known as the “golden age” of piracy.<sup>11</sup> In the century after 1650, pirates raided the Caribbean waters and the waters off the American colonies. This was the era of the legendary pirates Henry Morgan, Blackbeard, and William Kidd.<sup>12</sup> Piracy declined at a steady pace after

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<sup>6</sup> “The Pirates Hold: Piracy Timeline,” (n.d.), <http://pirateshold.buccaneersoft.com/pirate-timeline.html>, under “Piracy Timeline,” (accessed 13 May 2011).

<sup>7</sup> “Phoenician Economy and Trade,” (n.d.), <http://www.reocities.com/CapitolHill/Parliament/2587/trade.html>, under “Phoenician Economy and Trade,” (accessed 13 May 2011).

<sup>8</sup> Encyclopædia Britannica Online, s. v. “Norman,” (n.d.), <http://www.britannica.com/EBchecked/topic/418283/Norman>, under “Norman” (accessed 31 October 2011).

<sup>9</sup> Robert W. Lebling, Jr, “The Pirates of St. Tropez,” 25 October 2009, <http://www.webcitation.org/query?url=http://www.geocities.com/athens/troy/4040/pirates.htm&date=2009-10-25+12:56:07> (accessed 13 May 2011).

<sup>10</sup> “Piracy on Crete,” *Creta News*, 2008, <http://www.cretanews.com/site/index.php?page=art&article=104&lang=> (accessed 13 May 2011).

<sup>11</sup> Alfred A. Knopf, “Spanish Claim to All Land in New World,” (n.d.), <http://www.bio.umass.edu/biology/conn.river/claim.html> (accessed 13 May 2011).

<sup>12</sup> Encyclopædia Britannica Online, “Piracy,” (n.d.), <http://www.britannica.com/EBchecked/topic/461493/piracy> under “Piracy,” (accessed 31 October 2011).



1730, and in the 19th century the activity was at an historic low. This situation was to continue well into the 20th century, when what has been labeled the era of “modern piracy” emerged. In the final decades of the 20th century, piracy reemerged in its current form in Southeast Asia and East Africa in particular.<sup>13</sup>

Historically, piracy has been related to maritime commerce.<sup>14</sup> However, a common source of piracy has also been the privateer commissioned by a government to make reprisals, conduct law enforcement operations, or prey upon the enemy in war-time.<sup>15</sup> The privateer was traditionally offered a share of the loot from captured vessels. Privateering was a highly profitable business, and after a given war this lucrative business would often mutate into piracy. The only difference between the two was that privateering was a legal, state-sanctioned activity, and piracy was the same activity conducted without governmental consent.<sup>16</sup> Historically, privateers have been actively engaged by various states to harass rivals and enforce policies on the seas. Also, time and again, the privateers have turned to piracy when the need for their services declined.<sup>17</sup> As in the Caribbean in earlier times, privateers have been utilized for territorial control in Southeast Asia and East Africa in the 20th century.<sup>18</sup>

Malaysian waters played a key role in political power struggles among powers in Southeast Asia. Supported by colonial powers such as the Portuguese, Dutch and the British, pirate crews of the Orang Laut people helped protect Malaysian waters against

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<sup>13</sup> Encyclopædia Britannica Online, “Piracy,” (n.d.), <http://www.britannica.com/EBchecked/topic/461493/piracy> under “Piracy,” (accessed 31 October 2011).

<sup>14</sup> Encyclopædia Britannica Online, “Piracy,” (n.d.), <http://www.britannica.com/EBchecked/topic/461493/piracy> under “Piracy,” (accessed 31 October 2011).

<sup>15</sup> Encyclopædia Britannica Online, “Piracy,” (n.d.), <http://www.britannica.com/EBchecked/topic/461493/piracy> under “Piracy,” (accessed 31 October 2011).

<sup>16</sup> Encyclopædia Britannica Online, “Piracy,” (n.d.), <http://www.britannica.com/EBchecked/topic/461493/piracy> under “Piracy,” (accessed 31 October 2011).

<sup>17</sup> Colin Woodard, *The Republic of Pirates*, (Harcourt, Inc., New York, 2007), 1–6.

<sup>18</sup> Stig Jarle Hansen, “Piracy in the greater Gulf of Aden: Myths, Misconceptions and remedies,” *Norwegian Institute for Urban and Regional Research*, October 2009, <http://www.nibr.no/uploads/publications/26b0226ad4177819779c2805e91c670d.pdf> (accessed 22 March 2011), 8.

expansion attempts from neighboring countries.<sup>19</sup> These crews were disbanded when the colonizers decided to exploit the resources available in the Southeast Asian colonies. Out of the disbanded privateers and the increased commercial traffic through the Strait of Malacca grew a new and lucrative trade: piracy.<sup>20</sup> In an effort to rid the area of piracy in the 19th century, the British and the Dutch drew a demarcation line along the Strait of Malacca, established spheres of control, and started a unified effort to battle the pirates. By the 1870s, stability was achieved.<sup>21</sup> The situation was to remain calm until the liberation of the colonies, when political instability, internal disputes and lack of governance reemerged in the region.<sup>22</sup> Lately, unified efforts by the nations surrounding the Strait of Malacca have led to a decrease in pirate attacks. These efforts have been implemented to increase governance and enforce the rule of law at sea by the utilization of modern technology.<sup>23</sup>

East Africa experienced a rapid growth in piracy following the end of the Cold War. In Somalia, a rapidly deteriorating stability situation led to that nation's total collapse in 1991.<sup>24</sup> Somalia's proximity to one of the world's busiest routes of maritime trade combined with an absence of rule of law, lack of infrastructure and governance, and internal violence has made the country a safe haven for pirates and the *Al Shabaab* Islamist group.<sup>25</sup> Although there is debate about the root causes for piracy off the coast of Somalia, there are signs of links to self-proclaimed privateers that took upon themselves the task of enforcing Somali laws and protecting national maritime resources from illegal

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<sup>19</sup> Charles Corn, "The Scents of Eden: A Narrative of the Spice Trade" (New York: Kodansha America, Inc., 2009), 3–14.

<sup>20</sup> Charles Corn, "The Scents of Eden: A Narrative of the Spice Trade" (New York: Kodansha America, Inc., 2009), 231–242.

<sup>21</sup> Charles Corn, "The Scents of Eden: A Narrative of the Spice Trade" (New York: Kodansha America, Inc., 2009), 307–320.

<sup>22</sup> Mark T. Berger, *The Battle for Asia: From Decolonization to Globalization*, (London: RoutledgeCurzon, 2004), 37–55.

<sup>23</sup> 2010 Annual IMB Piracy Report," International Maritime Bureau, January 2011.

<sup>24</sup> "Country Profile: Somalia," British Broadcasting Corporation, 1 January 2010, [http://news.bbc.co.uk/2/hi/africa/country\\_profiles/1072592.stm](http://news.bbc.co.uk/2/hi/africa/country_profiles/1072592.stm) (accessed 31 October 2011).

<sup>25</sup> "Country Profile: Somalia," British Broadcasting Corporation, 1 January 2010, [http://news.bbc.co.uk/2/hi/africa/country\\_profiles/1072592.stm](http://news.bbc.co.uk/2/hi/africa/country_profiles/1072592.stm) (accessed 31 October 2011).

foreign exploitation.<sup>26</sup> Lack of governance on shore made weapons and safe havens accessible to the growing trade of piracy.<sup>27</sup>

Various theories have been posited in order to explain the decline of piracy in the 18th century. One theory is that the decline of piracy was caused by military campaigns directed towards the pirates, their ships, and their safe havens. The most important shortcoming of the theory is the failure to explain why piracy more or less ceased to exist for 300 years following these campaigns, despite various shifts in military power throughout the world during the same period. Military campaigns as an explanation for the decline of piracy immediately after the Golden Age cannot account for the 300-year gap in piracy following these campaigns.

Southeast Asia was the main focus area for research on piracy prior to 2005 because that is where piracy was most prevalent at the time. However, the focus on piracy shifted toward Somalia as piracy off the Horn of Africa increased. Both Somalia and the Strait of Malacca lie along the main trading route between Europe and Asia. The rise in piracy in both areas has had widespread political and financial effects.<sup>28</sup> As a result, modern piracy research has been focused mainly on these two areas.

Toward the end of the 20th century, the Strait of Malacca had gained the reputation of being the most pirate-infested area in the world. The rise in piracy in Southeast Asia is commonly seen as a result of economic crisis/poverty and political instability. The most common argument is that the Asian financial crisis put significant numbers of the populations out of work, and created a need for alternative sources of income.<sup>29</sup> Political instability in Indonesia is another prevalent explanation for the increased rate of piracy in Southeast Asia in the late 1990s. Recent literature points

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<sup>26</sup> "There are Two Piracies in Somalia," *African Loft*, 13 April 2009, <http://africanloft.com> (accessed 03 November 2011).

<sup>27</sup> "There are Two Piracies in Somalia," *African Loft*, 13 April 2009, <http://africanloft.com> (accessed 03 November 2011).

<sup>28</sup> James Jay Carafano, Richard Weitz and Martin Edwin Andersen, "Maritime Security: Fighting Piracy in the Gulf of Aden and Beyond," *Heritage Special Report*, 24 June 2009, <http://www.heritage.org/Research/NationalSecurity/sr0059.cfm> (accessed 02 May 2012).

<sup>29</sup> David Rosenberg, "The Political Economy of Piracy in the South China Sea," *Naval War College review*, Summer 2009, 62:3, 46.

toward the poorly governed province of Aceh as a safe haven for Asian pirates at the turn of the millennium.<sup>30</sup> Political instability and lack of governance provide pirates with safe havens and the possibility to acquire weapons.<sup>31</sup>

There is, however, debate in the literature about the relationship between economic decline/poverty, instability/governance, and piracy in Somalia. One school of thought argues that the collapse of Somalia in 1991 created lawlessness both on land and at sea.<sup>32</sup> Local accounts explain the growth in piracy off the coast of Somalia as a result of disenfranchised Somali fishermen.<sup>33</sup> The fishermen took up arms to chase foreign fishing vessels out of Somali waters and reclaim their resources. These modern self-proclaimed privateers are viewed as the precursor to the contemporary pirate networks in Somalia.<sup>34</sup> Stig Jarle Hansen argues that piracy is a result of a lack of local institutions rather than the lack of a functioning state.<sup>35</sup> However, there is little empirical data that supports a connection between poverty and piracy. This thesis argues that poverty in itself is neither necessary nor sufficient to cause piracy. Also, this paper intends to show that the level of piracy, and the effectiveness of local institutions, is closely linked to the level of central governance executed by a functioning state.

Piracy can theoretically occur anywhere in the world with a proximity to shipping lanes. However, specific conditions are required for piracy to occur and grow. This thesis intends to test governance and poverty against the growth and existence of piracy. This

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<sup>30</sup> Catherine Zara Raymond, "Piracy and Armed Robbery in the Malacca Strait: a Problem Solved?" *Naval War College review*, summer 2009, 62:3, 37.

<sup>31</sup> "2009 Annual IMB Piracy Report." International Maritime Bureau, January 2010.

<sup>32</sup> Brett Schaeffer, "Piracy: A Symptom of Somalia's Deeper Problems," *The Heritage Foundation*, 17 April 2009, <http://www.heritage.org/research/africa/wm2398.cfm> (Accessed 02 May 2012).

<sup>33</sup> Katie Stuhldreher, "To turn the tide on piracy in Somalia, bring justice to its fisheries," *Christian Science Monitor*, 20 November 2008, <http://www.csmonitor.com/Commentary/Opinion/2008/1120/p09s01-coop.html> (accessed 02 May 2012).

<sup>34</sup> "There are Two Piracies in Somalia," *African Loft*, 13 April 2009, <http://africanloft.com> (accessed 03 November 2011).

<sup>35</sup> Stig Jarle Hansen, "Piracy in the greater Gulf of Aden: Myths, Misconceptions and remedies," *Norwegian Institute for Urban and Regional Research*, October 2009, <http://www.nibr.no/uploads/publications/26b0226ad4177819779c2805e91c670d.pdf> (accessed 22 March 2011), 62–63.

study divides governance into two separate variables: land-based governance and maritime governance. The variables are listed as follows:

- *Land-based governance.*<sup>36</sup> Pirate networks benefit from instability, conflict, and failure of government institutions. Instability, lack of law and order, and internal conflicts or unrest are factors that benefit criminal enterprises and thus piracy. Weak governance results in a lack of security and weak local institutions, and enables pirates or criminals to exploit these weaknesses through extortion or corruption. Also, strong land-based governance denies pirates their safe havens, increases the risk of prosecution, and makes recruitment, corruption and coercion of local institutions a challenging task.
- *Maritime governance.*<sup>37</sup> Effective enforcement of the legal framework in international waters is a function of land-based governance. A strong land-based government is able to extend its influence beyond its territorial waters and prevent the growth and existence of piracy. Pirates gravitate towards ungoverned or disputed areas in order to benefit from a lack of government presence and to access their targets.
- *Poverty.* A high level of poverty among populations causes exploitation of new sources of income. Also, poor populations are exploitable by criminal networks and thus by pirates. Poverty on a state-level creates a lower financial growth rate, higher levels of instability, lower government legitimacy, and lower ability to fund governing institutions.

The variations in governance and poverty, and the rise and fall in maritime piracy in the Caribbean, the Strait of Malacca, and Somalia, suggest a possible link between these three variables and piracy. Some have identified these links, but a clear and unequivocal relationship is not established. Whether there is a correlation between the three variables and piracy, and whether central or local governance is more important, is the gap this thesis intends to fill.

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<sup>36</sup> Encyclopædia Britannica Online, "Governance," (n.d.), <http://www.britannica.com/bps/thesaurus?query=governance> under "Governance" (accessed 10 February 2012): The definition of governance in this paper: "lawful control over the affairs of a political unit (as a nation)."

<sup>37</sup> Encyclopædia Britannica Online, "Governance," (n.d.), <http://www.britannica.com/bps/thesaurus?query=governance> under "Governance" (accessed 10 February 2012)

## C. RESEARCH QUESTIONS

The following chapters examine piracy in the Caribbean, the Strait of Malacca, and Somalia. Using the two primary conditions, land-based governance and maritime governance, for the growth of piracy as a framework, they will demonstrate how those conditions contributed to the expansion of pirate activities, and how neutralizing their effect caused a decline in piracy. This study intends to answer the following questions:

- How does land-based governance influence piracy?
- How does maritime governance influence piracy?
- How does poverty influence piracy?

## D. METHODOLOGY

This paper researches historical piracy both from the 17th and 18th centuries, and recent piracy from 1985 to 2011, in order to examine how well the proposed factors fit empirical data related to each case study.

The International Maritime Bureau is a trustworthy provider of contemporary data on pirate activity.<sup>38</sup> IMB has issued annual piracy threat report and analyses since 1992. The IMB annual piracy reports contain number of attacks, attempted attacks, types of vessels attacked, and positions of attacks. Generally, the IMB definition of piracy is considered better than the definition given in the United Nations Convention on the Law of the Sea (UNCLOS).<sup>39</sup> The Federation of American Scientists (FAS) generally provides the most reliable information on modern piracy prior to 1992 in its “Anti-Shipping Activity Messages” (ASAM).<sup>40</sup> Historical notes are utilized to measure levels of piracy during the 17th and 18th centuries. Possibly the most extensive work on the golden age of piracy, *The Republic of Pirates* by Colin Woodard, is used in order to

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<sup>38</sup> ICC Commercial Crime Services, <http://www.jcc-ccs.org> (n.d.), (accessed 10 February 2012).

<sup>39</sup> Stig Jarle Hansen, “Piracy in the greater Gulf of Aden: Myths, Misconceptions and remedies,” *Norwegian Institute for Urban and Regional Research*, October 2009, <http://www.nibr.no/uploads/publications/26b0226ad4177819779c2805e91c670d.pdf> (accessed 22 March 2011), 5–6.

<sup>40</sup> FAS produced yearly ASAM reports between 1985 and 1999. Federation of American Scientists, <http://www.fas.org/irp/world/para/pirates.htm> (accessed 10 February 2012).

document the growth and extent of piracy in the Caribbean. Also, Woodard's book, drawing on actual log books from the British Royal Navy in the 17th and 18th centuries, provides a clear picture of countermeasures, and how colonial governance was reestablished both on land and in the Atlantic Ocean.<sup>41</sup>

Piracy is usually measured in number of attacks. However, for the historical part of this paper, values of captured cargoes and the number of ships attacked are utilized in order to provide a more precise account of the piracy problem. The level of maritime governance is measured in number of ships, soldiers, and weaponry, as well as the strategy used to stop piracy. In order to measure land-based governance, historical notes combined with facts retrieved from contemporary research are utilized. Worth noting is that most nationally gathered data on Somalia are highly unreliable. This is in itself a sign of a profound lack of internal governance. This paper utilizes qualitative assessments from articles and reports where data from scientific sources are not available, especially for piracy in the Caribbean.

## **E. ORGANIZATION OF THE STUDY**

This thesis analyzes variations in piracy in various geographic areas during various time frames to determine common variables present in the chosen theoretical population. The first time frame, discussed in Chapter II, covers piracy in the Golden Age, from approximately 1650 to 1730. Chapter III looks at the growth of modern piracy in Southeast Asia, specifically the Strait of Malacca from 1985 to 2011, while Chapter IV analyzes the growth of piracy in GoA from 2003 to 2011. Chapter V summarizes the findings of this study.

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<sup>41</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 1–8.

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## II. CARIBBEAN: THE GOLDEN AGE OF PIRACY



Figure 1. The Caribbean Sea (From: Wikipedia, 2011)

### A. INTRODUCTION

From approximately 1650 to 1720, thousands of pirates roamed the Caribbean waters. The period of the late 17th and early 18th centuries is often referred to as the “Golden Age” of piracy, and gave fame to pirates including Blackbeard (Edward Thatch), Henry Morgan, William “Captain” Kidd, Jack Rackham, and Bartholomew Roberts.<sup>42</sup> The widespread piracy in the Caribbean continued to grow uncontrolled until a coordinated government campaign finally put an end to the activity in the 18th century.

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<sup>42</sup> Royal Museums Greenwich: National Maritime Museum, “Pirates: Ships, Seafarers & Life at Sea: Sea & Ships Fact Files,” 2005, <http://www.rmg.co.uk/essplore/sea-and-ships/facts/ships-and-seafarers/pirates> (accessed 30 March 2011).

## B. BACKGROUND

Piracy in the West Indies emerged in the 16th century, set in motion by the discoveries of Christopher Columbus. During his search for a quicker trade route from Europe to the East, Columbus had established contact between the European continent and the lands later named America at the end of the 15th century. Columbus was working for the Spanish monarchy, and the newly discovered lands were claimed by Spain. These new Spanish colonies were rich in silver, gold, and gems and the increased Spanish looting of these lands led to a surge of settlers both on the American mainland and on a number of Caribbean islands.

Long European wars between England, France and Spain had brought the Spanish empire to its knees financially. In order to bring much needed wealth back to Spain, large galleons began to bring valuable cargoes from America back to Europe.<sup>43</sup> These galleons were irresistible targets for pirates. Among the first was the French privateer Jean Fleury, who in 1523 captured two Spanish treasure ships containing gold, jewels, and other Aztec valuables. Fleury seized 62,000 ducats of gold, 600 marks of pearls (approximately 140 kilograms), and several tons of sugar. By the 1530s, approximately 30 European pirate ships operated in the Caribbean.<sup>44</sup> Within a relatively short time frame, these pirate attacks forced the Spanish to sail their galleons between America and Spain in fleets with armed vessels for protection.

The “Golden Age of Piracy” is a modern term. Historians have argued over the duration of the period. Nevertheless, there is broad consensus that the period between 1650 and 1720, as defined by the historian John Fiske in 1897, saw an upsurge in piracy unprecedented in history.<sup>45</sup>

Piracy mirrored the 17th century European conflicts over trade. The Caribbean was a center of European trade and colonization and the rival countries, including the

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<sup>43</sup> Royal Museums Greenwich: National Maritime Museum, “Pirates: Ships, Seafarers & Life at Sea: Sea & Ships Fact Files,” 2005, <http://www.rmg.co.uk/essplore/sea-and-ships/facts/ships-and-seafarers/pirates> (accessed 30 March 2011).

<sup>44</sup> Kris E. Lane, *Pillaging the Empire: Piracy in the Americas, 1500-1750*, (Armonk, NY: M.E. Sharpe, 1998), 18.

<sup>45</sup> John Fiske, *Old Virginia and her Neighbors*, (Houghton, Mifflin & Co., 1897), 395-431.

empires of Great Britain, Spain, France, Portugal and the Netherlands, brought war on a smaller scale to the Caribbean colonies. As a result, smuggling increased as did piracy and privateering throughout the Caribbean.<sup>46</sup> In the years between 1588 and 1603, English sailors organized 100 to 200 pirate raids each year and brought back an annual booty of £150,000 to £300,000.<sup>47</sup>

The outbreak of the Thirty Years War in 1618 led to a fast decline in Spanish presence in the Caribbean. The colonies became increasingly dependent on African slave labor, and had to manage with a steady decrease in Spanish governance and military presence. In this environment, the English expanded their influence and gained control over St. Kitts, Nevis, Antigua, Montserrat, and Bermuda. The French also consolidated their presence and gained control over Guadeloupe, Hispaniola, and Martinique. They also held nominal sway over Tortuga, later to become a pirate safe haven. The Dutch began to develop from a pure trading partner in the region into a colonial power and seized Curacao and St. Eustatius.<sup>48</sup>

Throughout the 17th century, the Caribbean became a safe haven for pirates and privateers. What had started out as a proxy army for the various colonial powers developed into a formidable army of pirates. In 1657, the governor of Jamaica felt threatened by the continued Spanish attacks and invited the entire English pirate population of Tortuga to move to Jamaica in an effort to reinforce the island's defenses. By 1665, more than 2,000 pirates operated out of Port Royal, Jamaica.<sup>49</sup> During the

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<sup>46</sup> Physics Daily: The Physics Encyclopedia, "Piracy in the Caribbean," 2011, [http://www.physicsdaily.com/physics/Piracy\\_in\\_the\\_Caribbean](http://www.physicsdaily.com/physics/Piracy_in_the_Caribbean) under "Piracy in the Caribbean," (accessed 30 March 2011).

<sup>47</sup> David Cordingly, consulting ed., *Pirates: Terror on the High Seas From the Caribbean to the South China Sea* (Atlanta, GA: Turner Publishing, 1996), 17.

<sup>48</sup> Physics Daily: The Physics Encyclopedia, "Piracy in the Caribbean," 2011, [http://www.physicsdaily.com/physics/Piracy\\_in\\_the\\_Caribbean](http://www.physicsdaily.com/physics/Piracy_in_the_Caribbean) under "Piracy in the Caribbean," (accessed 30 March 2011).

<sup>49</sup> Jan Rogozinski, *A Brief History of the Caribbean: From the Arawak and the Carib to the Present*, (New York: Facts on File, 1992), 38.

second half of the 17th century, Jamaica's economy was almost entirely dependent on piracy. The booty provided by the pirates financed taverns, gambling houses, naval stores, weapons, and ammunition.<sup>50</sup>

In 1657, Captain Christopher Myngs, commander of the 44-gun frigate "Marston Moor" attacked the Venezuelan towns of Cumana, Puerto Caballos, and Coro with a total take of £200,000-£300,000. Myngs was eventually sent to England for prosecution, but was set free and returned in 1662 with the 34-gun frigate "Centurion" to continue his pirate operations. In 1662, he attacked Santiago, Cuba, and captured six ships and a significant amount of treasure. In 1663, Myngs attacked the town of San Francisco in the Bay of Campeche supported by 1,500 British pirates in 12 ships. He captured 14 Spanish ships and robbed the citizens of 150,000 pesos.<sup>51</sup>

Henry Morgan, another famous pirate captain, was never legally labeled a pirate due to his commission from the governor of Jamaica. However, in 1663-1664 he, together with John Morris, raided the coast of Central America. During this period, they plundered three Spanish cities, and by 1668 Morgan was elected admiral of the Jamaican privateers.<sup>52</sup> In 1668, Morgan led 700 English and French buccaneers in 12 ships against Puerto Principe, Cuba. The outcome was relatively small, since the Cubans had fled. However, the remaining citizens were looted of 50,000 pesos. Captain Morgan continued to attack Portobello, the collection point of Spanish treasure in Panama, with his remaining 500 pirates. He captured the city, three forts, and about 100,000 pesos. He had not been commissioned to conduct land operations. However, the amount of plunder that was brought back to Jamaica seemed to have lessened the governor's reactions to his non-commissioned operations.<sup>53</sup> In April 1669, Morgan led an attack against Maracaibo and Gibraltar in Venezuela with a total loot of 125,000 pesos. Captain Morgan's most

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<sup>50</sup> Jan Rogozinski, *A Brief History of the Caribbean: From the Arawak and the Carib to the Present*, (New York: Facts on File, 1992), 38.

<sup>51</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend*, (New York: De Capo Press, 1996), 241.

<sup>52</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend*, (New York: De Capo Press, 1996), 227-228.

<sup>53</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend*, (New York: De Capo Press, 1996), 156-157.

successful campaign was, perhaps, the attack on Panama in 1671. The city was raided by a force of approximately 2,000 pirates and 33 ships. Reports indicate that 400 Spanish soldiers were killed in the raid that led to a 3-week capture of Panama. It took 200 pack mules to bring the plunder from the city back to the pirates' ships. During the same raid, Providence Island and the Spanish fort San Lorenzo were also captured.<sup>54</sup>

Throughout the 17 century, French and Dutch pirates were also active. The Dutch pirate Piet Heyn captured an entire Spanish fleet in Matanzas Bay in 1628. Heyn escaped with loot valued at approximately 12 million guilders or 4.8 million pesos. French pirates mainly worked out of Tortuga. The French pirate Francois l'Olonais was a particularly brutal criminal, and reportedly decapitated 87 Spanish prisoners in revenge for mistreatment of his crew. L'Olonais plundered Gibraltar and Maracaibo in Venezuela in 1667 with a total haul of 30,000 pesos and 500 cattle.

Towards the end of the 17 century, conditions in the colonies changed. The signing of the Treaty of Madrid in July 1670 acknowledged England's right to the New World colonies. The financial importance of the colonies grew and the adverse economic effects of piracy became more apparent. The number of privateers had increased but the more peaceful situation in Europe led to an increasing presence, especially by the British navy, in the colonies. England agreed to enforce the peace settlement with Spain as a part of the Treaty of Madrid. However, the extremely profitable business of privateering proved difficult to stop. Instead of stopping, the privateers turned to piracy and continued their quest for wealth.<sup>55</sup>

The new generation of pirates consisted of sailors, indentured servants, and runaway slaves rebelling against captains, ship owners, and the owners of the great slave plantations of America and the West Indies.<sup>56</sup> Arguably, profit was a main driving force behind piracy. However, the egalitarian system among the pirates combined with the

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<sup>54</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend*, (New York: De Capo Press, 1996), 229.

<sup>55</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 34.

<sup>56</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 34–37.

general dissatisfaction aboard merchant vessels, on the slave plantations, and aboard naval ships, caused defections and fueled the pirates' expansion. In 1718, the growing number of runaway slaves caused major concerns to the governor of Bermuda.<sup>57</sup>

The uncontrolled growth and the success of the pirates caused large problems for the colonial powers. Around 1720, the pirates were so powerful that the twenty-two-gun frigate HMS *Seaford* assigned to protect the Leeward Islands was at risk of being overpowered. Between 1717 and 1720, the pirates threatened not only the small naval detachment in the Caribbean, but also posed a threat to entire colonies and repeatedly blockaded South Carolina.<sup>58</sup> The realization in Europe that the Caribbean had turned into a "Pirates Republic" eventually provoked a reaction. As a result, the British Crown sent Woodes Rogers, a former privateer and war hero to confront the pirates and pacify the Bahamas.

## C. ANALYSIS

### 1. Land-based Governance

The Caribbean colonies were initially largely autonomous entities. These entities were ruled by a variety of governors and noblemen from the European continent and the various government institutions they established largely reflected those of their respective home countries.<sup>59</sup> These regional governments were expected to administer production, provide basic services to the populations, and control law and order. The various local governments survived by taxing, and thanks to sporadic supplies from Europe.<sup>60</sup> Privateers were depended on to help maintain law and order, and to extend the European wars to the colonies. "The cost of maintaining a fleet to defend the colonies was beyond the ability of national governments of the 16th and 17th centuries. Thus, private vessels

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<sup>57</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 226–261.

<sup>58</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 226–261.

<sup>59</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 226–261.

<sup>60</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 226–261.

would be commissioned into a “navy” with a letter of marque, paid with a substantial share of whatever they could capture from enemy ships and settlements, the rest going to the crown.”<sup>61</sup> The privateers were based in various colonial cities and generated much-needed supplies in the form of contraband taken from captured merchant ships.

As the European wars drew to an end in the early 18th century, private law enforcement was banned. European countries deployed naval ships to the region in order to maintain control over their increasingly important colonies. However, in the brief period between the peace agreements and the deployment of naval ships to the Caribbean, piracy spiraled out of control. Local governments were unable to prevent pirate attacks. Also, these governments had become complicit in the trade. With a near-total lack of military presence and central governance, the deterrent for the pirates was absent. This lack of government presence offered possibilities for opportunistic and now criminal privateers to maintain the lucrative piracy trade throughout the Caribbean islands, and along the coast of America.<sup>62</sup>

The pirates grew in numbers and in strength, and by 1717 an estimated 2,400 pirates were operating in the Caribbean.<sup>63</sup> They threatened not only ships, but entire colonies.<sup>64</sup> During the late summer of 1717, Edward Teach (aka Edward Thatch or Blackbeard) captured more than 15 commercial vessels during a 2-week period.<sup>65</sup>

The intervention by the British around 1720 did little to stop the pirate’s activity. Their intervention was little more than a nuisance to the pirates. For instance, the number and strength of the Caribbean pirates caused great concern to the HMS *Phoenix* deployed to the Bahamas in 1718. A number of her crew defected and joined the pirates. Also, the twenty-two-gun frigate assigned to protect the Leeward Islands, the HMS *Seaford*, found

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<sup>61</sup> Physics Daily: The Physics Encyclopedia, “Piracy in the Caribbean,” 2011, [http://www.physicsdaily.com/physics/Piracy\\_in\\_the\\_Caribbean](http://www.physicsdaily.com/physics/Piracy_in_the_Caribbean) (accessed 30 March 2011).

<sup>62</sup> Alexander O. Exquemelin, *The Buccaneers of America* (Digireads.com Publishing, 2010), Part II, Chapter I.

<sup>63</sup> Angus Constam, *Blackbeard: America’s Most Notorious Pirate* (Hoboken, NJ: Wiley, 2006), 105.

<sup>64</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 205–206.

<sup>65</sup> David Cordingly, *Under the Black Flag: The Romance and the Reality of Life Among the Pirates*, (New York: Random House, 1995), 191.

itself in danger of being overpowered. The pirates had become so powerful they occupied British territory in the Leeward Islands, threatened to invade Bermuda, and ran successful blockades of South Carolina.<sup>66</sup>

Arguably, the initial British intervention suffered from a gross underestimation of the strength and number of pirates operating throughout the Atlantic Ocean, and failed to address the real problem in the colonies: the absence of central or controlled and coordinated British governance. Local institutions were functioning well in the Caribbean colonies. However, taxation and rule of law were upheld by the pirates themselves in direct competition with a weak English government. The Caribbean colonies were internationally recognized as *de jure* possessions of the various colonial empires. However, *de facto* sovereignty and land-based governance were necessary to stop piracy in the region.

England had started its campaign to counter the Caribbean pirates in the 1670s. In 1671, the corrupt governor of Jamaica, Sir Thomas Modyford, was arrested, sent to England for prosecution, and replaced by Sir Thomas Lynch. Modyford received a sentence of two years' imprisonment. In an attempt to stop piracy, Thomas Lynch offered the pirates pardons and 35 acres of land. The same strategy was attempted in 1688, 1701, and in 1717.<sup>67</sup> However, with no means of deterrence or no stick to go along with this carrot, the offers did not stop the piracy trade. In 1717, the offer of pardons was followed by a threat. A bounty was placed on the heads of pirates refusing to seek pardons. A price of £100 was offered for the capture of a pirate captain, and £20 for crew members. At the time, a captain's annual salary was only approximately £65.<sup>68</sup>

By the late 17th century, piracy had grown into a trans-national problem. Attacks occurred throughout the Atlantic Ocean, from the American coast in the west to the European continent in the east. The economies of British and Spanish America and the

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<sup>66</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 262–280.

<sup>67</sup> Peter Earle, *The Pirate Wars* (New York: St. Martin's Press, 2005), 92.

<sup>68</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 225–261.



colonial powers of the Caribbean were seriously affected by piracy. The impact of piracy on the colonial economies slowly turned public sentiment from support of the pirates towards direct opposition. Jamaica slowly regained territorial control and law and order. A continued focus on piracy countermeasures and stricter enforcement of the law increased the Jamaican merchants' reluctance to trade with pirates.<sup>69</sup> Prohibitions against letters of marque combined with the Piracy Act of 1699 further added to the pressure on pirates and collaborators. Admiralty Courts were set up in the American colonies, further deterring people from venturing into piracy.<sup>70</sup>

Although countermeasures were implemented in the second half of the 17th century, piracy was far from extinct. The Nine Years War from 1688 to 1697, and the War of the Spanish Succession from 1701 to 1713, still saw letters of marque being provided to pirates, thus prolonging the piracy problem in the Atlantic Ocean. Also, France did not have an agreement with Spain, and continued its attacks on Spanish ships until approximately 1700.<sup>71</sup>

The general lack of coherent central governance throughout the colonies continued to facilitate piracy. The Bahamas was privately owned and sold letters of marque to privateers for profit. Those sparsely populated islands did not offer a profitable market for plunder, but emerged as a safe haven for colonial American smugglers instead.<sup>72</sup>

America's thirteen colonies also emerged as safe havens for pirates. South Carolina, North Carolina, Connecticut, Delaware, New York, New Jersey, Pennsylvania, Massachusetts, and Rhode Island were all known as safe havens. As a result of the increased taxes imposed on the American colonies by the Navigation Acts, a prospering

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<sup>69</sup> C. H. Haring, *The Buccaneers of the West Indies in the XVII Century*, (New York: E.P. Dutton & Co., 1910), 230.

<sup>70</sup> Peter Earle, *The Pirate Wars* (New York: St. Martin's Press, 2005), 92.

<sup>71</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend* (New York: De Capo Press, 1996), 227–228.

<sup>72</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend* (New York: De Capo Press, 1996), 228.

market for stolen goods emerged. Turbulence within the American colonies also facilitated financing of piracy, corruption, and large profits from the piracy trade.<sup>73</sup>

The near total lack of central governance throughout the American colonies led to extensive public involvement in piracy. Pirates contributed significantly to the economy of the colonies and New York allegedly received contributions estimated at around £100,000 annually during this period. American governors sold protection for £100 per man, and pirates who received sentences in the American colonies could avoid hanging by paying £13.<sup>74</sup>

With peace in Europe and the growing importance of the colonies during the first two decades of the 17 century, trans-national agreements to end piracy emerged. National armies were brought under royal control, and the mission of governing national territory was extended to the Caribbean in the late 1600s.<sup>75</sup> In 1696, the ship “Fancy” arrived in the Bahamas and offered to pay the proprietary governor, Nicholas Trott, £2,000 to offload cargo. The captain of the “Fancy” was Henry Bridgeman (aka John Avery). Avery had pirated an Indian vessel with a value estimated at £150,000. A £1,500 bounty was placed on his and his crew’s heads for the attack. Trott accepted Avery’s somewhat large bribe. However, as a result of the increased pressure from the English throne, Avery soon had to leave the Bahamas.

As Avery’s example illustrates, the pirates were running out of safe havens, and left little choice but to spread out and disappear. Some fled to the American colonies never to be seen again, and some escaped back to Ireland. Seven of Avery’s crew were apprehended and five were hanged in England. Although some crew members were executed, only the seven out of a crew of 94 were apprehended.

More aggressive English countermeasures and political changes in the form of naval intervention and the installment of trustworthy officials finally led to a decrease in

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<sup>73</sup> Hugh F. Rankin, *The Golden Age of Piracy* (New York: Holt, Rinehart & Winston, 1969), 54–58.

<sup>74</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend*, (New York: De Capo Press, 1996), 115–116.

<sup>75</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down*, (Harcourt, Inc., New York, 2007), 1–8.

piracy in the Caribbean. Establishment of Admiralty Courts made prosecution easier, and populations in the growing colonies continued to turn against the pirates. The first pirate to suffer the effects of increased governance and harsher counter-measures was William Kidd. Convicted of piracy, he was hanged in London in 1701, and others followed. Blackbeard or Edward Thatch was killed in 1718, and 13 of his crew members were later hanged. Stede Bonnet and 29 of his crew were hanged<sup>76</sup>; Bartholomew Roberts was killed in 1722 and of his crew, 54 were executed, 37 were sentenced to forced labor, 74 were acquitted, and 70 black slaves were given up as slaves.<sup>77</sup> In 1722, 41 Spanish pirates were executed; and in 1723 captain Finn and Edward Lowe's ships were captured and a total of 32 pirates were executed. All told, between 1719 and 1722 an estimated 500 to 600 pirates were captured and executed.<sup>78</sup>

The extension of territorial control expanded to the American coast in the 1710s and east to the Indian Ocean in the 1720s.<sup>79</sup> An estimated 2,000-5,000 pirates were active in the Caribbean colonies between 1716 and 1718; by 1726, the pirate population was down to about 200 individuals.<sup>80</sup> As we have seen, this resulted from a change in the political climate in Europe and in the American colonies combined with new legislations that slowly removed safe havens in the Caribbean. Deprived of safe ports to rest and refit, without markets for stolen goods, and in the advent of more effective courts and extensive executions, piracy was on the decline. By the late 1720s piracy was largely

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<sup>76</sup> David Cordingly, *Under the Black Flag: The Romance and the Reality of Life Among the Pirates* (New York: Random House, 1995), 208–209.

<sup>77</sup> David Cordingly, *Under the Black Flag: The Romance and the Reality of Life Among the Pirates* (New York: Random House, 1995), 209–216.

<sup>78</sup> Peter Earle, *The Pirate Wars* (New York: St. Martin's Press, 2005), 207.

<sup>79</sup> Physics Daily: The Physics Encyclopedia, "Piracy in the Caribbean," (n.d.), [http://www.physicsdaily.com/physics/Piracy\\_in\\_the\\_Caribbean](http://www.physicsdaily.com/physics/Piracy_in_the_Caribbean) under "Piracy in the Caribbean (accessed 30 March 2011).

<sup>80</sup> Angus Konstam, *Blackbeard: America's Most Notorious Pirate* (Hoboken, NJ: Wiley, 2006), 105.

extinct in the Caribbean: “The famous pirates of the early 18th century were a completely illegal remnant of a golden buccaneering age, and they could expect no more than eventual capture.”<sup>81</sup>

## **2. Maritime Governance**

Pirates have plagued seafarers for millennia. What might surprise most readers is that a legal framework in international waters has been present for centuries. However, this framework is at best weak. Also, it has always been based on enforcement by functioning nation-states. Similarly, law enforcement within a sovereign nation’s territorial waters has been left to the nation’s law enforcement agencies. Piracy within a nation’s territory, however, is not covered by the conventions and laws of international waters, and is often referred to as armed robbery or sea robbery.<sup>82</sup>

The legal framework that existed for international waters in the 17th century was, as it is today, incomplete. Enforcement in an increasingly interconnected and industrializing world was increasingly dependent on regional cooperation between functioning nation-states. During the “Golden Age of Piracy” the rather weak “freedom of the seas” concept created the basis for law enforcement in international waters. It is worth mentioning that the freedom of travel on the seas has always, and still is, a stronger principle than law enforcement on the oceans. During the 18th century, technological developments led to a revision of how much of the adjacent oceans could be considered to be under the jurisdiction of a nation. The cannon-shot rule was accepted as a measure of jurisdiction and set forth that a nation controlled territorial waters out to the distance of a projectile fired from a cannon based on shore. In the 18th century, this range was approximately three nautical miles.<sup>83</sup>

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<sup>81</sup> Physics Daily: The Physics Encyclopedia, “Piracy in the Caribbean,” (n.d.), [http://www.physicsdaily.com/physics/Piracy\\_in\\_the\\_Caribbean](http://www.physicsdaily.com/physics/Piracy_in_the_Caribbean) under “Piracy in the Caribbean (accessed 30 March 2011).

<sup>82</sup> International Maritime Organization (IMO), *Definition of Armed Robbery*, 26<sup>th</sup> Assembly session, Resolution A, 1025, (26).

<sup>83</sup> United Nations, *The United Nations Convention on the Law of the Sea (A Historical Perspective)*, (n.d.), [http://www.un.org/Depts/los/convention\\_agreements/convention\\_historical\\_perspective.htm](http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm) (accessed 9 June 2011).

The increase in trade and inter-dependency among nations also increased the impact of piracy on world trade.<sup>84</sup> The Caribbean colonies lacked the means to counter the emerging piracy threat. Not until a new approach of collaboration was adopted did the European nations effectively stop the pirates in the Caribbean. Trans-national cooperation ensured a heightened level of security for the increasing international trade and violent retribution functioned as an effective deterrent.

Law enforcement in international waters in an increasingly interconnected world has depended on regional cooperation for centuries.<sup>85</sup> The weak governments of the Caribbean colonies initially lacked the will, the levels of governance, and the internal means of law enforcement to cooperate and cope with the piracy problem. Only in 1718, when the British Crown sent Woodes Rogers, a seasoned privateer from the British war with France and a celebrated hero of the British navy, to brutally crack down on the piracy trade did the “Golden Age of Piracy” finally come to an end. This was nearly five decades after the struggle to remove Caribbean piracy began.

Prior to the 1670s, English warships were rarely seen in the Caribbean. However, as the piracy problem increased, so did the navy’s presence. During the 1670s, Jamaica received two frigates, one frigate was stationed in Barbados, and the Leeward Islands got one ketch. At this early stage of the counter-piracy campaign, no ships were assigned to the British American colonies apart from two naval ships off the coast of Newfoundland to protect the fisheries in the region. In the 1680s, the naval presence further increased as piracy worsened. Jamaica received a total number of four frigates, Leeward three, and the American colonies two ships in Chesapeake Bay and one in Boston.<sup>86</sup> While the presence of these ships caused some pirates to venture east towards the Indian Ocean, the limitations of such a small naval presence were obvious, and the risks of being caught

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<sup>84</sup> Geopolicity, “The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia,” Geopolicity Inc., May 2011, 9–10.

<sup>85</sup> Tamara Renee Shie, “Maritime Piracy in Southeast Asia: The Evolution and Progress of intra-ASEAN Cooperation” in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, (Leiden: International Institute for Asian Studies, 2006), 84–89.

<sup>86</sup> Peter Earle, *The Pirate Wars* (New York: St. Martin’s Press, 2005), 136–137.

remained low. As a result, the opportunity to acquire wealth by piracy far outweighed the risks of capture and prosecution, and piracy continued to thrive.

This changed with Woodes Roger's arrival in 1718 and the restoration of law and order over the Bahamas. The HMS *Rose* and HMS *Squirrel* were posted in Boston, the HMS *Phoenix* was posted in New York, and the HMS *Lyme* and HMS *Shoreham* were posted off the Virginia Capes.<sup>87</sup> Rogers also brought with him to the Caribbean and eastern seaboard a general pardon issued by the King for any crime committed prior to January 5, 1718. Along with the pardon, he issued a bounty for any pirate refusing to accept the offer. The offer was eventually accepted by over 200 of 500 pirates in the Bahamas.<sup>88</sup> The loss of the Bahamas as a safe haven accelerated the decline in piracy in the region. So did the governor of Jamaica's commissioning of 10 ships to hunt for pirates. One of these ships, the *Tyger*, commanded by Jonathan Barnet, captured Calico Jack Rackham in 1720, together with the two female pirates Anne Bonney and Mary Read. Rackham was executed in 1720.<sup>89</sup> Maritime counter-piracy was to increase in intensity and effectiveness in the years between 1717 and 1725 as we saw in the previous section.

### 3. Poverty

The end of the War of Spanish Succession in 1713, and the increased importance of trade shifted the colonial powers' focus. Trade, and protection of trade routes and colonies, became a major focus for Europe's navies. Increased stability in Europe initially led to a reduction in the size of the British Royal Navy. A total of approximately 36,000 sailors were discharged. This represented nearly 75 percent of the British wartime complement, and may have contributed to the increase in recruitment of pirate crews in

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<sup>87</sup> David Cordingly, *Under the Black Flag: The Romance and the Reality of Life Among the Pirates* (New York: Random House, 1995), 102.

<sup>88</sup> David Cordingly, *Under the Black Flag: The Romance and the Reality of Life Among the Pirates* (New York: Random House, 1995), 236.

<sup>89</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend* (New York: De Capo Press, 1996), 33, 281.

the Caribbean.<sup>90</sup> However, ten years after the end of the War of Spanish Succession, the British grew their navy again to improve its ability to govern an increasing number of colonies both in the Caribbean and in Asia.<sup>91</sup>

There is little evidence to support a causal relationship between poverty and the rise and existence of piracy in the Caribbean during this time. At best, the relative poverty of European populations led to a large pool of potential crew members for pirate vessels. A significant number of influential pirates were former British naval officers and noblemen. Also, local institutions in the colonies were in place, but as a result of weak central governance, these institutions were vulnerable to extortion, threats and corruption.<sup>92</sup> As a consequence, local institutions were easily controlled by criminals and the colonies served as safe havens for pirates for nearly five decades.<sup>93</sup>

One could assume that poverty would lead to populations throughout the Caribbean being vulnerable to corruption. However, there are ample indicators that the Caribbean and American colonies had thriving economies, and that the existing corruption was a result of opportunistic officials and pirates who were aware of the slim possibilities of arrest and prosecution.<sup>94</sup> Apart from the Caribbean slaves, the general populations of the colonies were relatively well off.<sup>95</sup> Slaves, meanwhile, rarely joined pirates to gain wealth, but rather to regain their lost freedom. Piracy in the Caribbean, it seems, was a result of opportunity rather than a result of poverty. The lack of governance and risk, combined with the prospect of enormous wealth, seem to have driven the rise in piracy throughout the Caribbean.

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<sup>90</sup> Colin Woodard, *The Republic of Pirates: Being the True and Surprising Story of the Caribbean Pirates and the Man who Brought them Down* (Harcourt, Inc., New York, 2007), 86.

<sup>91</sup> Bruce D. Porter, *War and the Rise of the State: The Military Foundations of Modern Politics* (New York: The Free Press, 1994).

<sup>92</sup> Hugh F. Rankin, *The Golden Age of Piracy* (New York: Holt, Rinehart & Winston, 1969), 17.

<sup>93</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend*, (New York: De Capo Press, 1996), 83.

<sup>94</sup> Jan Rogozinski, *Pirates! Brigands, Buccaneers, and Privateers in Fact, Fiction and Legend* (New York: De Capo Press, 1996), 339–340.

<sup>95</sup> Jan Rogozinski, *A Brief History of the Caribbean: From the Arawak and the Carib to the Present* (New York: Facts on File, 1992), 91–92.

## D. CONCLUSION

Land-based governance or lack thereof created permissive conditions for piracy in the 16th and 17th centuries. The lack of provision of governance, the lack of oversight, and the lack of maritime governance in the Caribbean led to an environment exploitable by pirates. Initially, privateering sanctioned with letters of marque from the various colonial powers of the region contributed to a growth in “legal piracy.” Also, local institutions in the colonies were in place, but as a result of weak central governance, these institutions were vulnerable to extortion, threats, and corruption. As a consequence, local institutions could be coopted by criminals and the colonies could serve as safe havens for pirates for nearly five decades.

It took 50 years before land-based governance was sufficiently strengthened and changes in jurisdiction, removal of corrupt officials, and the establishment of Colonial Admiralty courts effectuated the end of piracy in the Caribbean. Captured pirates had to be quickly brought to justice and their punishment needed to be harsh. Approximately 500–600 pirates were executed within a 10-year period, effectively deterring others from wanting to join them. Increased land-based governance, in turn, eventually turned the populations against the pirates, making formerly safe havens uninhabitable for pirates and removing the once prosperous markets for their loot.<sup>96</sup> The arrival of Woodes Rogers in 1718 introduced a more robust maritime military presence, which was also central. Rogers and greater numbers of British naval ships hunted the pirates at sea and targeted their safe havens on shore. The combined effects of letters of pardon and threats of capital punishment effectively decimated the pirates. Pirates who did not surrender were hunted and captured or killed.

Poverty cannot explain the rise and existence of piracy in the Caribbean. What best explains its demise is a stronger focus on land-based governance with an increased military presence, and the ability to extend governance into international waters.

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<sup>96</sup> C. H. Haring, *The Buccaneers of the West Indies in the XVII Century* (New York: E.P. Dutton & Co., 1910), 230.



### III. SOUTHEAST ASIA: THE STRAIT OF MALACCA



Figure 2. Strait of Malacca<sup>97</sup> (From: Wikipedia, 2011)

#### A. INTRODUCTION

Decolonization of Asia after World War II (WWII) sparked conflicts and political unrest, and provided opportune growing conditions for a new and modern era of piracy. The colonization of Asia had changed local borders, social systems, and governments. As a result, the effects of decolonization in Asia after 1945 led to significant changes in terms of stability and security. Although piracy as a phenomenon has existed in Asia for centuries, decolonization led to an increase in internal disputes and a decrease in

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<sup>97</sup>Wikipedia, "Strait of Malacca," 2011, [http://en.wikipedia.org/w/index.php?title=Special:UserLogin&returnto=File:Strait\\_of\\_malacca.jpg](http://en.wikipedia.org/w/index.php?title=Special:UserLogin&returnto=File:Strait_of_malacca.jpg) (accessed 4 May 2011).

government control over large swaths of territory. In particular, the narrow Strait of Malacca provided the pirates with an opportunity to prosper at a very low risk.<sup>98</sup>

## **B. BACKGROUND**

The lack of development and the increase in international trade throughout the 1990s sparked an increase in piracy throughout Southeast Asia. Approximately 80% of the world's trade is transported by sea, and more than 46,000 merchant vessels travel the seas world-wide.<sup>99</sup> China's economy has grown significantly. Throughout the 1990s the country's economy increased by nearly 500%.<sup>100</sup> The increased trade led to an increase in piracy throughout Southeast Asia, and particularly in the Strait of Malacca.

The Strait of Malacca is one of the world's most trafficked maritime chokepoints. More than 50,000 ships pass the strait annually. This represents close to 25% of the world's shipping.<sup>101</sup> Nearly 10.3 million barrels of oil pass the strait daily, representing almost all of the oil supplies for Japan, China and South Korea.<sup>102</sup> Also, 80,000 people cross the strait on a daily basis and approximately 10,000 fishing vessels operate in its resource-rich waters every day.<sup>103</sup>

In order to look closer at piracy in Southeast Asia, it might be useful to include the extension of the Strait of Malacca, the Phillip Channel and the Singapore Strait, since much of the traffic through the strait continues through these passages as well. Also, the entire passage falls within the jurisdiction of the same three nations: Indonesia, Malaysia, and Singapore.

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<sup>98</sup> Encyclopedia Britannica Online, "Piracy," 2011, <http://www.britannica.com/EBchecked/topic/461493/piracy> under "Piracy" (accessed 13 May 2011).

<sup>99</sup> Graham Gerard Ong-Webb, *Piracy, Maritime Terrorism and Securing the Malacca Straits*, (Leiden: International Institute for Asian Studies, 2006), xi–xxxv.

<sup>100</sup> "GDP Growth, 1952-2008," *Chinability*, 4 May 2008, <http://www.chinability.com/GDP.htm> (accessed 07 May 2012).

<sup>101</sup> David W. Munns, "Rise in Murders, Kidnappings at Sea Makes Piracy a Top Naval Priority Worldwide," *Sea Power*, October 2004, 14, [http://www.military.com/NewContent/0,13190,NL\\_Piracy\\_102604-P1,00.html](http://www.military.com/NewContent/0,13190,NL_Piracy_102604-P1,00.html) (accessed 07 May 2012).

<sup>102</sup> Vijay Sakhuja, "Sea Piracy in South Asia," in *Violence at Sea: Piracy in the Age of Global Terrorism*, ed. Peter Lehr, (New York: Routledge, 2007), 23.

<sup>103</sup> Martin N. Murphy, *Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World* (London: Hurst & Co., 2008), 62.

One of the earliest reported modern-day attacks in the region occurred in 1981. The attack on a Liberian-registered tanker in the extension of the Strait of Malacca known as the Philip Channel ushered in a new era of piracy. Throughout 1981, and following the initial attack, Indonesian pirates attacked a total of 21 vessels passing through the strait. Numerous attacks were also launched against anchored vessels. However, as these were within Singapore's territorial waters, the attacks were labeled armed robbery and not acts of piracy. The main goal of these pioneers was to steal property and money.<sup>104</sup> Piracy was on the rise, and throughout the 1990s Southeast Asian pirates pirated an average of 99 vessels annually.<sup>105</sup> However, as the pirates became more organized, so did the sophistication of their attacks. Violence against ship crews rose, and piracy developed into hostage-taking and theft of ships and cargoes. Long-term operations became more normal. Long-term operations meant a transition from more rudimentary attacks on ships to steal money and valuables to capture of ships with the intent of selling the cargo and demanding ransom for hostages. Long-term operations are significant inasmuch as they are signs of better organized, funded, and equipped pirates.<sup>106</sup>

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<sup>104</sup> Stefan Ekløf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders* (Copenhagen: NIAS Press, 2006), 2.

<sup>105</sup> Graham Gerard Ong-Webb, "Piracy in Maritime Asia: Current Trends," in *Violence at Sea: Piracy in the Age of Global Terrorism*, ed. Peter Lehr, (New York: Routledge, 2007), figure 3.3, 50.

<sup>106</sup> Graham Gerard Ong-Webb, "Piracy in Maritime Asia: Current Trends," in *Violence at Sea: Piracy in the Age of Global Terrorism*, ed. Peter Lehr, (New York: Routledge, 2007), figure 3.15, 60.

Location:	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
<b>SE Asia</b>										
Indonesia	55			22	33	57	47	60	115	119
Malacca Strait	32	7	5	3	2	3	0	1	2	75
Malaysia	1	2	0	4	5	5	4	10	18	21
Singapore straits	0	0	0	3	2	2	5	1	14	5
Sum	88	9	5	32	42	67	56	72	149	220

Figure 3. Location of actual and attempted piracy attacks in/around the Malacca Strait 1991–2000<sup>107</sup>

In August 1991, the *Sprintstar* was seized by 25 pirates. One crew member was killed during the operation and the cargo worth approximately \$3 million was transferred to another ship and sold. In 1992, the *Far Trader* was captured and diverted to Thailand. The ship's cargo worth approximately \$7 million was transferred to another vessel and disappeared. These two acts of piracy initiated a new trend of long-term ship seizures. Nine more long-term seizures were to follow in the years between 1994 and 1997.<sup>108</sup> In April 1998, the tanker *Petro Ranger* was hijacked east of Malaysia with a cargo worth \$1.5 million. The ship's name was altered and the ship's cargo was transferred to smaller vessels, brought to Hainan Island and sold. The crew was eventually arrested by the Chinese and deported to Indonesia to be released.

Between 2001 and 2005, 22 attacks occurred. The focus had shifted towards smaller vessels with cargoes easy to sell. However, the focus was to change again with the capture of the Japanese tug *Idaten* in March 2005. The *Idaten* was towing a barge with 154 persons on board. Three crew members of the *Idaten* were taken hostage and released for a ransom after five days. The seizure of the *Idaten's* crew together with another similar hijacking and hostage taking one month prior marked a change from robbery of vessels towards hostage taking for ransom. Previously, the seizure of the

<sup>107</sup> "IMB Annual Piracy Report, 2002-2010, International Maritime Bureau," (London: ICC international Maritime Bureau, 2011).

<sup>108</sup> Stefan Ekløf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders* (Copenhagen: NIAS Press, 2006), 80–82.

Indonesian tanker the *Tirta Niaga IV* in the northern Strait of Malacca in 2001 had been an exception. However, the attacks in 2005 began a focused trend of holding crews for ransom.<sup>109</sup>

The Strait of Malacca saw a surge in kidnapping for ransom in the following years. In 2002, five kidnappings took place followed by four in 2004. However, in 2005 it rose to 14 kidnappings and eight attempts, and violence increased following this new trend in piracy. In January 2004, the *Cherry 201* was hijacked in the Strait of Malacca. The ransom demand was \$47,000. However, during negotiations for the release of hostages the pirates lost their patience and killed four crewmembers. The rest of the crew jumped ship and escaped, but the increased use of violence was demonstrated.<sup>110</sup>

Since numerous acts of piracy were conducted within the territorial waters of Indonesia, Malaysia, and Singapore, official statistics suffer from an under-reporting of the total number of actual piracy attacks. An estimated number of 12 fishing vessels annually have been boarded by Indonesian pirates within the last 5 years, and the average ransom has risen from approximately \$8,000 to \$27,000 during the same period. In addition, Indonesian officials have been reported to demand as much as \$27,000 more to release captured vessels back to the owners.<sup>111</sup>

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<sup>109</sup> Stefan Ekløf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders* (Copenhagen: NIAS Press, 2006), 53.

<sup>110</sup> Stefan Ekløf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders* (Copenhagen: NIAS Press, 2006), 53–54.

<sup>111</sup> J. N. Mak, "Pirates, Renegades, and Fishermen: The Politics of 'Sustainable' Piracy in the Strait of Malacca," in *Violence at Sea: Piracy in the Age of Global Terrorism*, ed. Peter Lehr (New York: Routledge, 2007), 201–203.

Location:	2002	2003	2004	2005	2006	2007	2008	2009	2010
<b>SE Asia</b>									
Indonesia	103	121	94	79	50	43	28	15	40
Malacca Strait	16	28	38	12	11	7	2	2	2
Malaysia	14	5	9	3	10	9	10	16	18
Singapore straits	5	2	8	7	5	3	6	9	3
Sum	138	156	149	101	76	62	46	42	63

Figure 4. Location of actual and attempted piracy attacks in/around the Malacca Strait 2002-2010<sup>112</sup>

Southeast Asia experienced a peak in piracy during 2003 and 2004. During these two years, Southeast Asian piracy accounted for almost 47% of the world's reported pirate attacks. Although the overall risk of being attacked by pirates was as low as approximately 0.3%, the increased risk led to an increase in insurance premiums for the shipping industry, an increased focus on the issue, and threats of an international intervention in the Strait of Malacca. The international focus on the piracy problem increased the joint Indonesian, Malaysian and Singaporean maritime efforts to suppress piracy and regain control of the strait.<sup>113</sup>

## C. ANALYSIS

### 1. Land-based Governance

To quote Martin N. Murphy: “failed states are not ungoverned spaces.”<sup>114</sup> In Southeast Asia, countries with dysfunctional central governments developed into countries with a variety of regional governing institutions. These institutions typically were based on coalitions between power brokers of various kinds. A lack of presence from central governments caused a variety of smaller autonomous regions within the nation-states. A vacuum developed that local entities filled. These regional governments

<sup>112</sup> “IMB Annual Piracy Report, 2002–2010, International Maritime Bureau” (London: ICC International Maritime Bureau, 2011).

<sup>113</sup> Peter Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States* (Santa Monica, CA: Rand Corporation, 2008), 10.

<sup>114</sup> Martin N. Murphy, *Somalia: The New Barbary?: Piracy and Islam in the Horn of Africa* (New York: Columbia University Press, 2011), Chapter 12.

controlled the police force, and survived by taxing local populations, and eventually turned to piracy as a means of livelihood.<sup>115</sup> In the absence of functioning central governments, local governments provided various regions with basic services, thus increasing the distance between populations groups and the countries' administrations.<sup>116</sup>

Historically, the Southeast Asian states surrounding the Strait of Malacca have suffered from a series of deficiencies preventing effective counter-measures to stop piracy. Insurgencies and internal socio-political conditions have drawn focus away from combating criminal networks. In addition, lack of will or competence combined with corruption ensured a steady growth in criminal activities throughout the 1970s and 1980s.<sup>117</sup> This lack of national governance provided a growing network of pirate organizations with an abundance of safe havens to operate from. Indonesian territory includes some 17,500 islands, many of which are uninhabited. Also, the Indonesian coastline stretches over more than 34,000 miles with coves, creeks, rivers, and natural harbors from which pirates can operate.<sup>118</sup> The Malaysian coastline stretches over more than 2,900 miles and with large areas that are scarcely or not inhabited. The geography of the region has benefitted the pirates for nearly thirty years in the absence of functioning governance institutions in the countries surrounding the Strait of Malacca.<sup>119</sup>

On the transnational level, a lack of cooperation between the nations surrounding the Strait of Malacca created a situation further benefitting piracy.<sup>120</sup> The sovereignty

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<sup>115</sup> Eduardo Ma R. Santos, "Piracy and Armed Robbery against Ships in the Philippines," in *Violence at Sea: Piracy in the Age of Global Terrorism*, ed. Peter Lehr (New York: Routledge, 2007), 37–64.

<sup>116</sup> Mats Berdal, *Building Peace After War* (The International Institute For Strategic Studies, New York: Routledge, 2009), pp 125–126.

<sup>117</sup> Carolin Liss, "Private Military and Security Companies in the Fight against Piracy in Southeast Asia," in *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), 104–107.

<sup>118</sup> Central Intelligence Agency, "Indonesia," *The 2008 World Fact Book* (Washington, DC: Office of Public Affairs, Central Intelligence Agency, 2008), <https://www.cia.gov/library/publications/the-world-factbook/geos/my.html> (accessed 7 May 2012).

<sup>119</sup> Central Intelligence Agency, "Indonesia," *The 2008 World Fact Book* (Washington, DC: Office of Public Affairs, Central Intelligence Agency, 2008), <https://www.cia.gov/library/publications/the-world-factbook/geos/my.html> (accessed 7 May 2012).

<sup>120</sup> Graham Gerard Ong-Webb, *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), xi–xxxv.

issues between Malaysia, Indonesia and Singapore have further delayed cooperation and provided growing conditions for piracy. Pirates attacking a vessel in Singapore have traditionally had an easy escape into the Riau Archipelago in Indonesia, avoiding capture and prosecution and at the same time using the territory to dispose of the booty.

For the reasons mentioned above, the Association of Southeast Asian Nations (ASEAN) was largely unsuccessful in stopping piracy from its inception in 1967, and into the early 1990s.<sup>121</sup> However, the increased international focus on the piracy problem in the late 1990s and early 2000s, and the threat of an international intervention in the region, led to a growing cooperation among the countries in the region. When piracy threatened Southeast Asian economies in 2004, and there was a real threat of an international intervention in the Strait of Malacca, ASEAN and an increased Southeast Asian cooperation was able to effectively counter the transnational issue of piracy in the region.<sup>122</sup>

From 2005 to 2010, the number of pirate attacks in the Strait of Malacca decreased from 38 to 2 (Figure 4). Increased national governance throughout the Southeast Asian countries, transnational cooperation in international waters combined with coordinated and common enforcement capacities and a common judicial policy towards piracy seems to have effectively served as a deterrent to pirates.<sup>123</sup> However, the general piracy situation in Southeast Asia is still problematic. A growth in the security apparatus in the countries surrounding the Strait of Malacca has arguably led to better governance in these countries. Still, the size of the task of controlling the national territories seems out of reach for both Malaysia and Indonesia in the immediate future. Land-based governance is mainly limited to a trans-national agreement of prosecution and punishment of pirates. Limited efforts have been implemented to limit poverty in

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<sup>121</sup> Tamara Renee Shie, "Maritime Piracy in Southeast Asia: The Evolution and Progress of Intra-ASEAN Cooperation," in *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), 167–170.

<sup>122</sup> Chris Rahman, "The International Politics of Combating Piracy in Southeast Asia," in *Violence at Sea: Piracy in the Age of Global Terrorism*, ed. Peter Lehr (New York: Routledge, 2007), 195.

<sup>123</sup> Tamara Renee Shie, "Maritime Piracy in Southeast Asia: The Evolution and Progress of Intra-ASEAN Cooperation," in *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), 180–183.



more remote regions of both Malaysia and Indonesia in order to provide the populations with alternative incomes. However, what has limited piracy in the Strait of Malacca is likely an increase in maritime governance due to international pressure.<sup>124</sup>

## 2. Maritime Governance

During the 1990s the pirates gained access to modern equipment, and started to operate across regional borders and on a larger scale. By the end of the 1990s, nearly 50% of the reported attacks worldwide occurred in the Strait of Malacca, the South China Sea, the sea north of Java, and in the waters surrounding the Sulu Archipelago.<sup>125</sup> The number of reported attacks increased from 90 in 1994 to 445 in 2003.<sup>126</sup> Of the attacks in 2003, 156 occurred in Southeast Asia (Figure 4).

Although a legal framework in international waters had been present for centuries, it was weak at best. In addition, law enforcement within a sovereign country's territory has been left to the country's naval law-enforcement agencies, and has traditionally been subject to its own laws.<sup>127</sup> The definition of international waters has changed over time. Increased technological development and resource demand has led to increased claims of sovereignty from various littoral states to stretch beyond the traditional 3-mile limit.<sup>128</sup>

With the United States challenging the established freedom of the seas doctrine in 1945, other nations followed suit.<sup>129</sup> South American states laid claim to a 200-mile zone

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<sup>124</sup> Tamara Renee Shie, "Maritime Piracy in Southeast Asia: The Evolution and Progress of Intra-ASEAN Cooperation," in *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), 181.

<sup>125</sup> Carolin Liss, "Private Military and Security Companies in the Fight against Piracy in Southeast Asia," in *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), 105.

<sup>126</sup> ICC International Maritime Bureau, "Piracy and Armed Robbery against Ships. Annual Report. 1. January-31 December 2003," *International Chamber of Commerce*, 2004.

<sup>127</sup> International Maritime Organization (IMO), *Definition of Armed Robbery*, 26<sup>th</sup> Assembly session, Resolution A, 1025 (26).

<sup>128</sup> United Nations, *The United Nations Convention on the Law of the Sea (A Historical Perspective)*, [http://www.un.org/Depts/los/convention\\_agreements/convention\\_historical\\_perspective.htm](http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm) (accessed 23 January 2012).

<sup>129</sup> President Harry S. Truman, "President Truman's Proclamations on U.S. Policy Concerning Natural Resources of Sea Bed and Fisheries on High Seas," (28 September 1945), <http://www.ibiblio.org/pha/policy/1945/450928a.html> (accessed 23 January 2012).

outside their territories, and a number of others laid claim to 12-mile territorial seas. These claims led to a common understanding that the old regime of territorial control needed revision.

In 1958, 86 nations met in Geneva to establish new conventions for regulation of international and territorial waters. The convention solved some of the pressing matters but a number of issues were not settled. The result of the convention is commonly referred to as UNCLOS I.<sup>130</sup> The unresolved issues remaining from UNCLOS I were renegotiated in 1960. These issues remained largely unresolved in what is referred to as UNCLOS II.<sup>131</sup> After nine years of negotiations from 1973 to 1982, the UN resolution on the Law of the Sea was finalized and named UNCLOS.<sup>132</sup> The agreement did not come into force until 1994 due to continued negotiations, and reluctance to sign by a number of nations.

In Southeast Asia, ASEAN countries signed the UNCLOS in 1994. This coincided with a surge in pirate attacks in the region. Throughout the 1980s, piracy had grown at a steady pace. Combined with unresolved legal issues at sea, and political instability in the region, pirates benefitted from a lack of law enforcement, both in national and international waters.<sup>133</sup> After the 9/11 attacks in the United States in 2001, an increased focus on terrorism and possible links between terrorism and piracy led to increased efforts among the countries surrounding the Strait of Malacca to cooperate in combating transnational crime. As regional economies strengthened, and with a rise in

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<sup>130</sup> United Nations, Diplomatic Conferences: United Nations Conference on the Law of the Sea, 1958, <http://untreaty.un.org/cod/diplomaticconferences/lawofthesea-1958/lawofthesea-1958.html> accessed 23 January 2012.

<sup>131</sup> United Nations, Diplomatic Conferences: United Nations Conference on the Law of the Sea, 1960, <http://untreaty.un.org/cod/diplomaticconferences/lawofthesea-1960/lawofthesea-1960.html> accessed 23 January 2012).

<sup>132</sup> United Nations, Convention on the Law of the Sea (UNCLOS) 10 December 1982, 1833 U.N.T.S. 397.

<sup>133</sup> Tamara Renee Shie, "Maritime Piracy in Southeast Asia: The Evolution and Progress of Intra-ASEAN Cooperation," in *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), 170.

political stability, stronger and more capable governments proved ready to assume responsibility for regional stability, including the international waters in the Strait of Malacca.<sup>134</sup>

Unilateral operations to stop piracy have been conducted by both Indonesia and Malaysia. Operasi Bajak (Operation Ending the Pirates) was undertaken in June 1992. The focus of the operation was on maritime patrolling and intelligence gathering primarily in the Riau Archipelago, Indonesia. A significant number of pirates were apprehended and prosecuted during the operation, and the region experienced a drop in piracy that lasted several years. For the remaining months of 1992, no attacks were reported. The effect lasted for two years with a total number of pirate attacks reduced to nine in 1992, and 5 in 1993 (Figure 3).<sup>135</sup>

Piracy remained low until the Asian economic crisis in 1997 and 1998, and the fall of Indonesian President Suharto. In 1999, the number of attacks in Indonesian waters nearly doubled to a total of 115. Attacks on transiting vessels increased from 11 to 49 from 1998 to 1999, and attacks in the Strait of Malacca increased from 3 in 1998 to 91 in 1999. This resurgence of piracy in the region eventually caused international concerns and subsequently an increase in counter-piracy funding and efforts in Southeast Asia. Maritime operations again led to a decrease in piracy for a short period.

In 2003, a new resurgence of piracy finally led to an agreement among Malaysia, Indonesia, and Singapore to conduct common operations to stop piracy (Operation MALSINDO). Joint patrolling was initiated in 2004, and the number of reported attacks in the Strait of Malacca dropped from 38 in 2004 to 12 in 2005. In the years following, the incidents dropped further to a total of 2 attacks reported in 2008. Until 2011, this trend has been stable due to an increase in trans-national cooperation in the region.

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<sup>134</sup> Tamara Renee Shie, “Maritime Piracy in Southeast Asia: The Evolution and Progress of Intra-ASEAN Cooperation,” in *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), 172–175.

<sup>135</sup> Stefan Ekløf, *Pirates in Paradise: A Modern History of Southeast Asia’s Maritime Marauders* (Copenhagen: NIAS Press, 2006), 136–137.

In 2005, Malaysia conducted unilateral operations to limit piracy. Armed personnel were placed as escorts on vessels through the Strait of Malacca, and Singapore assisted by initiating escort services in its territorial waters. However, these efforts were too limited, and needed to be sustained over time in order to have a lasting effect on piracy in the region.<sup>136</sup>

Despite an incomplete legal framework for international waters, regional cooperation on maritime law enforcement did help control piracy in the Strait of Malacca. Initiated by the U.S. in 2004, the Regional Maritime Security Initiative (RMSI) was proposed as a piracy counter-measure in Southeast Asia. Both Indonesia and Malaysia refused to sign on to the plan.<sup>137</sup> However, the threat of U.S. interference in the region did lead to increased regional cooperation, and in the years following 2004 a number of maritime countermeasures have been taken to control the piracy problem.

After 16 Asian countries signed the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP) radars were established to monitor the Strait of Malacca in 2005, and the Maritime Enforcement Agency was created, piracy decreased significantly. The ReCAAP serves as an information sharing hub receiving information from the region's navies and coast guards and disseminates the information to the participants.

The Eye in the Sky program (EiS) serves to further deter pirates in the region. EiS is an agreement between Singapore, Malaysia, Indonesia, and Thailand; each nation contributes two airplanes to a joint maritime air patrol operation over the Strait of Malacca.<sup>138</sup> The 38 attacks in 2004 were reduced to 2 attacks in 2011. Still, a weak legal framework in international waters, combined with political instability, and state weaknesses in Indonesia and Malaysia, remain factors that influence the growth and existence of piracy.

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<sup>136</sup> Catherine Z. Raymond, "Piracy in Southeast Asia: New Trends, Issues and Responses," *Harvard Asia Quarterly* 9, no. 4(fall 2005), <http://www.asiaquarterly.com/content/view/30/1/> (accessed 7 May 2012).

<sup>137</sup> Chris Rahman, "The International Politics of Combating Piracy in Southeast Asia," in *Violence at Sea: Piracy in the Age of Global Terrorism*, ed. Peter Lehr (New York: Routledge, 2007), 195.

<sup>138</sup> Graham Gerard Ong-Webb, *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), xi-xxxv.

Increased maritime governance in the Strait of Malacca has at least temporarily stopped piracy. Attacks in Southeast Asia have declined from 158 in 2004 to a total of 47 in 2008 and the numbers seem to have stabilized around 50 attacks annually. Better training, better surveillance, and increased cooperation have proven effective tools against the pirate networks. However, as statistics indicate, the lack of land-based governance in the countries surrounding the Strait of Malacca has not resulted in a decisive removal of sanctuaries and safe havens on shore. The ebb and flow in pirate attacks suggest that maritime interventions have an effect. However, unless the level of governance is upheld, piracy is likely to recur if the maritime presence declines. The decline in piracy in Southeast Asia in 1992 followed Indonesia's unilateral campaign. When the level of maritime governance decreased during the Asian economic crisis in 1997–1998, the number of attacks increased. Finally, as a result of increased cooperation and a unilateral campaign by Malaysia in 2005, the number of attacks declined again. It is likely that the problem will only stay subdued as long as maritime patrolling continues. Therefore, it is also safe to assume that a decrease in maritime governance can relatively quickly lead to a resurgence of piracy, as long as the issue of land-based governance is not addressed.

### **3. Poverty**

During the 1980s, as Southeast Asia experienced significant economic growth, the island of Batam, about 9 miles south of Singapore, experienced an influx of Indonesians. The immigrants were largely looking for jobs during the boom. Thus, when the economic crisis hit in the late 1990s, the island experienced a formidable increase in the unemployment rate. Many of the jobless islanders had to resort to crime in order to survive.<sup>139</sup> With Batam's location so close to Singapore, as well as the extension of the Strait of Malacca, the island quickly became a major stronghold for pirates in the region. The lack of both maritime and land-based governance on the island allowed the

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<sup>139</sup> Stefan Ekløf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders* (Copenhagen: NIAS Press, 2006), 48.

population to turn to the crime that yielded the highest profit with the lowest risk. As a result, piracy grew into a major regional problem.

The northern Strait of Malacca experienced a similar growth in piracy. However, the background story there is different. Long-lasting insurgencies in the Indonesian province of Aceh led to lawlessness and instability in the region. The instability and conflicts contributed to a profound poverty problem and, as a result, an increase in crime. Smuggling of weapons, drugs, people, and piracy have become alternative sources of income for the people and the insurgents. Also, the fall of Indonesian president Suharto in 1998 introduced new political instability, fueling the already growing poverty problem. As a result, piracy grew from 3 attacks in 1998 to 91 in 2000.

Despite significant growth in piracy throughout Southeast Asia, coinciding with general economic decline and increased levels of poverty in 1998, the ebb and flow of piracy seems to have especially tracked the varying levels of stability and governance in Indonesia and Malaysia. Poverty undoubtedly played a role in combination with a general lack of governance. However, poverty as a main cause for piracy seems questionable. The need for coordination, weapons, expertise and larger boats to be able to engage in piracy operations suggests that poverty has little to do with the growth and existence of piracy.<sup>140</sup>

#### **D. CONCLUSION**

Piracy is both a national and a regional problem. Initially, efforts to stop piracy in Southeast Asia and in the Strait of Malacca were hindered by distrust and territorial disputes among the nations surrounding the strait.

Current operations throughout Southeast Asia are not designed to increase land-based governance in the region. The task of extending central governance throughout the region, especially by Indonesia and Malaysia with their long coastlines, relatively scarce financial and technological capabilities, and numerous islands, further adds to the already difficult governing challenges they face. Therefore, it is likely that the safe havens on

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<sup>140</sup> Geopolicy, "The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia," Geopolicy Inc., May 2011, 6.

shore that have harbored pirates for decades will continue to serve as relatively safe sanctuaries for a variety of criminals. Also, it seems likely that these sanctuaries will serve as operating bases for pirates whenever renewed instability or regional political disagreement leads to a decline in maritime countermeasures.

An increased focus on maritime governance seems to have helped quell piracy in the Strait of Malacca. However, in order for the effect to continue, a continuous and possibly even stronger maritime military presence is needed. The current strategy does not address the real issue at hand: access to land-based sanctuaries and safe havens. Therefore, permanent success in countering piracy is likely to depend on either a continued maritime presence, or on addressing the main problem of land-based governance.

Levels of piracy in the Strait of Malacca have varied in concert with the degree of naval presence and focus on the issue. The fact remains that acts of piracy reemerge whenever the naval presence shrinks. This supports the point that in order for a campaign to be successful, the issues connected to a lack of land-based governance in the relatively weak states surrounding the strait, in particular Indonesia and Malaysia, must be addressed. Until the pirates are deprived of their shore-based sanctuaries, piracy will continue to reemerge whenever less attention is paid to maintaining a robust maritime military presence.

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#### IV. SOMALIA: THE GREATER GULF OF ADEN

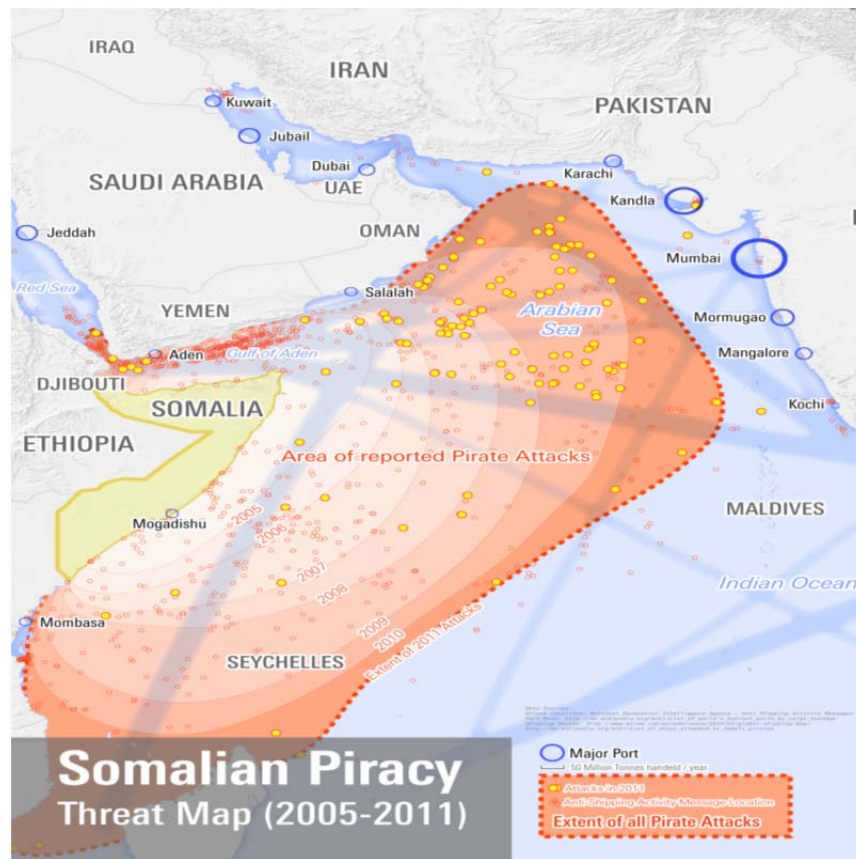


Figure 5. Gulf of Aden. Piracy 2005–2011<sup>141</sup> (From: Geopolicity, 2011)

##### A. INTRODUCTION

Over the first decade of the 21st century, Somalia has emerged as the world's modern pirate hotspot. Political turmoil, numerous safe havens, a vulnerable population, and a long coastline are factors that have contributed to the growth and existence of piracy off the Horn of Africa, in the Gulf of Aden, and in the Indian Ocean. Since 2006, piracy off the coast of Somalia has increased at an annual rate of approximately 100 per cent.<sup>142</sup>

<sup>141</sup> Geopolicity, "The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia," Geopolicity Inc., May 2011, 4.

<sup>142</sup> "2009 Annual IMB Piracy Report," *International Maritime Bureau*, 11 January 2010.

## B. BACKGROUND

Somalia has a coastline of 1,880 miles with close proximity to the Gulf of Aden and the approximately 20,000 ships passing along the main sea lanes between Europe, Africa, and Asia. Between 7 and 12 per cent of the world's annual oil production passes through the Gulf of Aden, providing Somali pirates with an abundance of high-value targets.<sup>143</sup> The strategically beneficial position of Somalia enables the pirate networks to launch attacks throughout the Gulf of Aden and the Indian Ocean.

Piracy was not a significant problem in Somalia prior to 1989. A systematic piracy incident reporting regime was established by the IMB in 1991. However, according to Roger Villar, Southeast Asia and West Africa were overrepresented in the piracy statistics of the 1960s and 1970s. Also, of 400 attacks worldwide in the period between 1980 and 1984, none were reported to have taken place off the coast of Somalia.<sup>144</sup> In the period between 1985 and 1991, only 6 attacks were recorded and four of these attacks were conducted by the Somali National Movement (SNM) to resupply its forces in the ongoing civil war.<sup>145</sup>

In the late 1980s, as the Cold War drew to a close, Somalia's strategic importance diminished. The resulting withdrawal of U.S. support further weakened the already failing regime of General Siad Barre. In the years between 1989 and 1991, the regime became increasingly totalitarian, and resistance groups, encouraged by the weakness of the regime, sprang up.<sup>146</sup> Throughout the 1990s, the annual number of pirate attacks off the coast of Somalia ranged from none to approximately ten. Mohamed Siad Barre's regime collapsed in 1991. The collapse led to the Somali Civil War and destruction of infrastructure. Economic and technological development stopped, and the country

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<sup>143</sup> Brian Wilson and James Kraska, "Anti-Piracy Patrols Presage Rising Naval Powers," *Yale Global*, 13 January 2009, <http://yaleglobal.yale.edu/display.article?id=11808> (accessed 9 May 2012).

<sup>144</sup> Roger Villar, *Piracy Today: Robbery and Violence at Sea since 1980* (London: Conway Maritime Press, 1985), 10.

<sup>145</sup> Federation of American Scientists (FAS), Intelligence Resource Program, <http://www.fas.org/irp/world/para/pirates.htm>.

<sup>146</sup> Central Intelligence Agency, "Somalia," *The 2012 World Fact Book* Washington, DC: Office of Public Affairs, Central Intelligence Agency, 2012), <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html> (accessed 9 May 2012).

resorted to informal judicial systems in efforts to restore law and order.<sup>147</sup> In the years from 1991 and 2011, 14 transitional governments have attempted to rule the collapsed country without success. As a result, piracy and particularly kidnapping of ships and their crews for ransom has increased at a steady pace.

The capture of trawlers and smaller commercial ships had been used as a means to acquire larger and more capable vessels.<sup>148</sup> In September 1994, pirates attacked MV *Bonsella* north of Caluula. The main reason for the attack was to seize a larger and more capable ship. Initially however, illegal fishing and entry into Somali territorial waters was used as an excuse for illegal ship boarding and attacks. In 1998, a Syrian ship and a Bulgarian freighter were captured, allegedly for illegally transiting Somali waters, and only released after the payment of a \$110,000 ransom.<sup>149</sup> Also, a Kenyan ship was captured off the coast of Eyl for illegal fishing and released after payment of a \$500,000 fine.<sup>150</sup>

Although piracy occurred throughout the 1990s and early 2000s, the rate was relatively low. In 2000, 23 attacks were reported, and with the increased naval presence of Combined Task Force 150 (CTF150) in 2001, the attacks further decreased. In 2002, the pirates added hijacking and hostage-taking to more straightforward robberies.<sup>151</sup> In June 2002, the Cypriot vessel *Aamir* was seized while at anchor off the coast of Puntland. The ship was released for a ransom of \$400,000. The same month, a North Korean ship was captured and subsequently released for a \$300,000 ransom.<sup>152</sup> The IMB issued a warning that the risk of being attacked in Somalia was increased from probable to certain;

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<sup>147</sup> Andre Le Sage, *Stateless Justice in Somalia: Formal and Informal Rule of Law Initiatives* (Geneva: Centre for Humanitarian Dialogue, 2005), 53–59.

<sup>148</sup> Derek S. Reveron, “Think Again: Pirates,” *Foreign Policy* January 2009), [http://www.foreignpolicy.com/story/cms.php?story\\_id=4626&page=0](http://www.foreignpolicy.com/story/cms.php?story_id=4626&page=0) (accessed 9 May 2012).

<sup>149</sup> British Broadcasting Corporation (BBC), “Somali Factions Frees Foreign Ships,” BBC News Web site, February 1998, <http://www.new.bbc.co.uk/2/hi/africa/56514.stm> (accessed 9 May 2012).

<sup>150</sup> British Broadcasting Corporation (BBC), “Ship’s Crew Fined for Illegal Fishing Off Somali Waters,” BBC News Website, December 2008, <http://news.bbc.co.uk/2/hi/africa/242103.stm> (accessed 9 May 2012).

<sup>151</sup> Martin N. Murphy, *Somalia: The New Barbary?: Piracy and Islam in the Horn of Africa* (New York: Columbia University Press, 2011), Chapter 3.

<sup>152</sup> British Broadcasting Corporation (BBC), “Somali Pirates Hold Greek Tanker,” BBC News Web site, 12 August 2002, <http://news.bbc.co.uk/2/hi/africa/2188900.stm> (accessed 9 May 2012).

thus, the IMB recommended ships to remain at least 100 miles off shore. Pirate attacks decreased from 21 attacks in 2003 to 10 attacks in 2004.<sup>153</sup>

Increased international presence due to a tsunami-related famine in Somalia in 2004 led to an increase in piracy in 2005. In June 2005, the MV *Semlow* was attacked and captured enroute to Boosaso, Somalia with food supplies. The ship was the 20<sup>th</sup> victim of 2005, and was robbed and brought to Ceel Huur to await ransom negotiations. During the ransom negotiations, the MV *Semlow* was utilized to seize another ship, the MS *Ibn Batuta*, an Egyptian cement carrier. Both ships were eventually released for \$135,000 in ransom.<sup>154</sup> From 2004 to 2005, the total number of attacks off the coast of Somalia and in the Gulf of Aden increased from 10 to 45. In October alone, the MV *Torgelow*, the MV *Miltzow*, and the MV *Pagonia* were captured and eventually released for a ransom of \$700,000.<sup>155</sup>

A connection has been established between the 2004 tsunami originating from an earthquake off the island of Sumatra, and the rise in piracy in 2005. The devastation of Somali coastal communities led to a humanitarian crisis. 289 people died, and 44,000 were left in urgent need of food, drinking water, healthcare, and shelter. Political, economic and security issues further worsened, and in 2005, the number of attacks off the coast of Somalia increased from 10 to 45.<sup>156</sup>

Allegations of toxic waste dumping and illegal fishing off the Somali coast provided additional legitimacy to the pirates. The Somali population generally supported piracy as a means to protect Somali waters, and saw the ransom money as compensation

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<sup>153</sup> British Broadcasting Corporation (BBC), "Pirate Warning for Somalia's Coastline," BBC News Website, 30 January 2003, <http://new.bbc.co.uk/2/hi/business/2709339.stm> (accessed 9 May 2012).

<sup>154</sup> Simon Robinson and Xan Rice, "In Peril on the Sea," *Time*, 7 November 2005, <http://www.time.com/time/magazine/article/0,9171,1126762,00.html> (accessed 9 May 2012).

<sup>155</sup> British Broadcasting Corporation (BBC), "Pirates Hijack Ship Off Somalia," BBC News Website, 14 October 2005, <http://news.bbc.co.uk/2/hi/africa/4363344.stm> (accessed 9 May 2012).

<sup>156</sup> Emmanuel N. Sone, "Piracy In The Horn Of Africa: The Role Of Somalia's Fishermen," Master's thesis, Naval Postgraduate School, 2010, 47–49.

for years of exploitation by foreign nations. Thus, piracy continued to grow throughout the 1990s with a large degree of popular support.<sup>157</sup>

Although piracy off the coast of Somalia has existed for decades, the real surge appeared in 2008. From 44 attacks reported in 2007, piracy increased to 111 attacks in 2008. Also, piracy was no longer confined to the Somali coastline. The attacks occurred both along the Somali coast, in the Gulf of Aden, and in the Red Sea. The lucrative business of piracy offered the traditional fishermen of Somalia incomes nearly ten times higher than from the fishing industry.<sup>158</sup> In 2008, the total estimated income from ransoms was \$150 million.<sup>159</sup> During 2007 alone, the total number of hostages taken increased from 177 to 815.<sup>160</sup>

Location:	2003	2004	2005	2006	2007	2008	2009	2010	Sum:
<b>East Africa</b>									
Gulf of Aden/Red Sea	18	8	10	10	13	92	132	78	361
Somalia	3	2	35	10	31	19	80	139	319
Sum	21	10	45	20	44	111	212	217	680

Figure 6. Location of actual and attempted piracy attacks off the coast of Somalia from 2003 to 2010.<sup>161</sup>

Somali pirates have increased their capabilities at a steady pace. The initial pirates operated out of small boats and close to shore. However, as ships avoided the Somali

<sup>157</sup> Emmanuel N. Sone, "Piracy In The Horn Of Africa: The Role Of Somalia's Fishermen," Master's thesis, Naval Postgraduate School, 2010, 59–60.

<sup>158</sup> James A. Wombwell, *The Long War Against Piracy: Historical Trends*, Combat Studies Institute Press, Occasional Paper 32Fort Leavenworth, Kansas: US Army Combined Arms Center, 2010), 148.

<sup>159</sup> Derek S. Reveron, "Think Again: Pirates," *Foreign Policy* (January 2009), [http://www.foeignpolicy.com/story/cms.php?story\\_id=4626&page=0](http://www.foeignpolicy.com/story/cms.php?story_id=4626&page=0) (accessed 9 May 2012).

<sup>160</sup> ICC International Maritime Bureau, "Piracy And Armed Robbery Against Ships: Annual Report 1 January – 31 December 2010," (London: ICC International Maritime Bureau, 2011).

<sup>161</sup> ICC International Maritime Bureau, "Piracy And Armed Robbery Against Ships: Annual Report 1 January – 31 December 2010," (London: ICC International Maritime Bureau, 2011).

coastline, the pirates acquired larger, ocean-capable vessels and ventured farther out in the Indian Ocean. The proof of the pirates' increased capabilities came with the capture of the *Sirius Star*. The tanker was taken approximately 420 nautical miles or close to 780 kilometers off the coast of Somalia.<sup>162</sup>

During 2006, piracy decreased again to a total number of 20 attacks. However, this was to increase to 44 attacks in 2007, and further increase in 2008 to a total of 111 ships attacked, with 44 successfully captured, and a total of \$30-\$80 million in ransom payments.<sup>163</sup> Despite the military campaign launched in the Gulf of Aden in 2008, piracy continued to grow to 212 attacks in 2009, and 217 in 2010. In 2011, the number of attacks further increased to 275. Today, military patrolling efforts seem to have decreased the number of attacks. By April 2012, 27 pirate attacks have been reported. The question is whether this is a result of an increased military presence or merely a sign of another change in the pirates' tactics.<sup>164</sup>

## C. ANALYSIS

### 1. Land-based Governance

Somalia had depended largely on foreign aid until the collapse of Barre's regime in 1991. With the worsened security situation caused by factional violence, the U.S.-led UN contingent providing humanitarian aid left Somalia after the 1993 incident in Mogadishu that led to the killing of 18 U.S. servicemen.<sup>165</sup> Since 1991, Somalia has lacked a functioning government and has been ruled by clan-based warlords, the Islamic Courts Union (ICU), and a total number of 14 transitional governments. The first Transitional Federal Government was established in Kenya in 2004, and led by President

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<sup>162</sup> The Guardian, "Sirius Star pirates demand \$25m ransom," The Guardian News Website, 20 November 2008, <http://www.guardian.co.uk/world/2008/nov/20/piracy-somalia> (accessed 9 May 2012).

<sup>163</sup> Todd Pitman, "Somali Pirates a Far Cry From Buccaneers of Old," 11 April 2009, [http://news.yahoo.com/s/ap/20090411/ap\\_on\\_re\\_af/piracy\\_somalia\\_s\\_swashbucklers](http://news.yahoo.com/s/ap/20090411/ap_on_re_af/piracy_somalia_s_swashbucklers) (accessed 9 May 2012).

<sup>164</sup> ICC International Maritime Bureau, "Piracy And Armed Robbery Against Ships: Annual Report 1 January – 31 December 2010," (London: ICC International Maritime Bureau, 2011).

<sup>165</sup> Mark Bowden, "Black Hawk Down," *The Philadelphia Enquirer*, November 16, 1997, <http://inquirer.philly.com/packages/somalia/nov16/rang16asp> (accessed February 6, 2012).

Abdullahi Yusuf Ahmed. However, in 2006 the ICU assumed control over Mogadishu thus provoking a military intervention by the U.S. and Ethiopia. With the help of U.S. and Ethiopian troops, President Yusuf took control over Mogadishu. His presence, however, did little to improve governance in Somalia. In fact, the only visible result of Yusuf's arrival in Mogadishu was the rise of an insurgency throughout the country that is still ongoing.<sup>166</sup> The insurgency has thus far claimed more than 10,000 lives since 2006, and attacks on aid convoys have claimed lives and hampered international efforts to address intermittent famines in Somalia.<sup>167</sup>

The political turmoil and lack of governance throughout Somalia led to the killing of 20 aid workers in 2008, resulting in international withdrawal and a worsening of the humanitarian and governance situation in the country. This, in turn, benefitted the pirate networks along the Somali coast. In the absence of proper governing institutions and commerce, coastal societies, especially along the Puntland coast, have grown increasingly dependent on income related to piracy. The towns of Eyl, Hoboyo and Xaradheere in Puntland, all well-known pirate safe havens, prosper due to piracy. Piracy has led to interdependency between these communities and the pirate organizations. Populations that prosper from piracy provide logistical support and safe havens to the pirates in return. Analysts have suggested that the Puntland government is party to the piracy networks, and that the pirates have taken control over local governing institutions.<sup>168</sup> Pirates are reported to provide for the poor in the coastal societies, thereby securing local support. The pirate networks have seemingly taken over provision of basic

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<sup>166</sup> British Broadcasting Corporation (BBC), "Timeline: Somalia," BBC News Website, 29 October 2008, [http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/country\\_profiles/1072611.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/country_profiles/1072611.stm) (accessed 9 May 2012).

<sup>167</sup> Steve Bloomfield, "'Hidden Famine' in Horn of Africa Puts 14 Million at Risk," *The Independent*, 23 July 2008, <http://www.independent.co.uk/news/world/africa/hidden-famine-in-horn-of-africa-puts-14m-at-risk-874873.html> (accessed 9 May 2012).

<sup>168</sup> Mary Harper, "Life in Somalia's Pirate Town," BBC News Website, 18 September 2008, <http://news.bbc.co.uk/2/hi/africa/7623329.stm> (accessed 9 May 2012).



services to the coastal populations in direct opposition to the Somali government and are referred to as “saviors of the sea” and not pirates.<sup>169</sup>

Piracy is dependent on the level of governance exercised in Somalia. In 2006, the Islamic Courts Union (ICU) assumed control over Mogadishu. In the months following the Islamic takeover in Somalia, a number of pirate safe havens along the coast were closed down. As a result, the piracy statistics for 2006 show only 20 attacks off the coast of Somalia.<sup>170</sup> The result, however, was short lived. In 2007, after U.S. and Ethiopian troops ousted the ICU government, the attacks were up to a total of 44 again.

Local support for the pirates is largely ensured through bribery. This point is underscored by the capture of the French yacht *Le Ponant* in April 2008. The yacht was brought to port in Garaad after its capture. On arrival, locals assisted in guarding the vessel and also provided logistical support for the pirates. In return for their support, each villager was promised a reward of \$50. Of the total ransom demand of \$2 million, the pirates were promised \$11,000–\$20,000.<sup>171</sup> In comparison, an average Somali citizen can expect a lifetime income of approximately \$14,500.<sup>172</sup> Considering the low risk of hijacking the vessel and the potential size of the ransom, popular support for the pirates is likely to continue in the absence of a functioning state in Somalia.

Attempts have been made to increase the level of land-based governance and thus decrease the risk of piracy in Somalia. Pirates have been captured in their safe havens on shore. However, the number of attacks on pirates, and the resulting arrests have proven insufficient to stop the lucrative and booming business. Also, the lack of a functioning Somali state makes the movement of ransom money through informal money transfer

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<sup>169</sup> Mary Harper, Daniel Howden and Mohamed Guled, “Off the Coast of Somalia: We’re Not Pirates. These Are Our Waters, Not Theirs,” *The Independent*, 14 November 2008, <http://www.independent.co.uk/news/world/africa/off-the-coast-of-somalia-were-not-pirates-these-are-our-waters-not-theirs-1017962.html> (accessed 9 May 2012).

<sup>170</sup> Martin Murphy, “Somali Pirates Open Fire on US Navy Ships,” *Ports & Ships*, 20 March 2006, [http://ports.co.za/navalnews/article\\_2006\\_03\\_20\\_3048](http://ports.co.za/navalnews/article_2006_03_20_3048) (accessed 9 May 2012).

<sup>171</sup> AFP, “Pirates Used ‘Good Conduct Guide’ in French Yacht Siege,” AFP News Website, 17 April 2009, <http://afp.google.com/article/ALeqM5ic4IMhcdvj6BV5HsRB-uabBjyUmA> (accessed 9 May 2012).

<sup>172</sup> Geopolicity, “The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia,” Geopolicity Inc., May 2011, 11.



systems, bribery of officials, and coercion of local institutions a low-risk activity. An in-depth research on the economics of Somali piracy published by Geopolicity in May 2011 outlines the approximate revenue for the various parts of the pirate value chain. According to its conclusion approximately 70 per cent of the revenues from piracy go to land-based actors. These actors are financiers, sponsors, Somali officials, and families of pirates or supporters. In the absence of effective state governance and law enforcement, pirates have assumed control over local institutions through bribery and coercion. Also, the lack of a government presence throughout Somalia has facilitated the growth of an increasingly well-organized and trans-national organization of piracy. Politicians, Somali diaspora, law enforcement officials, and money launderers are involved in the piracy trade, and unless functioning governance over Somali territory is established, the projected increase in piracy could reach more than 600 incidents globally by 2015, with approximately 50 per cent of the attacks occurring off the coast of Somalia.<sup>173</sup>

## **2. Maritime Governance**

“Piracy and other transnational threats are not results of contemporary globalization. These activities have occurred throughout history. However, globalization has increased the range and effects of these activities insofar as it has provided the physical means to cover increasing distances and to cross national borders. Also, globalization has increased the impact of piracy on world trade.”<sup>174</sup> The lack of maritime governance in Somalia led to an external military intervention in 2008. However, the increased military presence and the continued growth in pirate attacks suggest that a maritime intervention cannot yield sufficient results on its own. The current intervention has led to a spreading and increase of piracy instead of stopping or limiting the activity.<sup>175</sup>

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<sup>173</sup> Geopolicity, “The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia,” Geopolicity Inc., May 2011, iv.

<sup>174</sup> Brian Fort, “Maritime Piracy in Southeast Asia: Transnational Threats and the Maritime Domain,” in *Piracy, Maritime Terrorism and Securing the Malacca Straits* (Leiden: International Institute for Asian Studies, 2006), 25.

<sup>175</sup> ICC International Maritime Bureau, “Piracy And Armed Robbery Against Ships: Annual Report 1 January – 31 December 2010” (London: ICC International Maritime Bureau, 2011).

Somali pirates claim to be members of the Somali Coast Guard, patrolling territorial waters in an attempt to stop illegal fishing and the dumping of toxic wastes. This argument resonates well with the Somali population.<sup>176</sup> UN reports confirm that more than 700 illegal fishing vessels were extracting approximately \$300 million worth of fish from Somali waters in 2005.<sup>177</sup> However, since 2005 the pirates have grown increasingly sophisticated and operations are expanded out of Somali territorial waters as far as 420 nautical miles into the Indian Ocean.<sup>178</sup>

In the absence of Somali naval assets, U.S. naval vessels increased their counter-piracy efforts in 2006 in an attempt to stop the pirate activity. In January 2006, the USS *Winston Churchill* captured the dhow *Al Bissarat*, arrested a crew of 10 pirates, and confiscated their weapons. The pirates were brought to Kenya for prosecution and sentenced to seven years imprisonment.<sup>179</sup> In March 2006, the USS *Gonzales* and the USS *Cape St. George* were fired upon by rocket propelled grenades (RPG) from a pirate vessel. Both ships engaged the attacking vessel, resulting in the killing of one pirate and the arrest of seven others.<sup>180</sup> The increased military activity seemingly had an effect on piracy, and the number of attacks in 2006 dropped to 20 from 45 in 2005.<sup>181</sup> However, the effect did not last long, and in 2007, the attacks bounced back to a total of 44.<sup>182</sup>

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<sup>176</sup> Peter Lehr, "Dealing With Somali Pirates," *The Guardian*, 25 November 2008, [http://www.china.org.cn/international/opinion/2008-11/25/content\\_16820148.htm](http://www.china.org.cn/international/opinion/2008-11/25/content_16820148.htm) (accessed 9 May 2012).

<sup>177</sup> Peter Lehr, "Dealing With Somali Pirates," *The Guardian*, 25 November 2008, [http://www.china.org.cn/international/opinion/2008-11/25/content\\_16820148.htm](http://www.china.org.cn/international/opinion/2008-11/25/content_16820148.htm) (accessed 9 May 2012).

<sup>178</sup> Derek S. Revereon, "Think Again: Pirates," *Foreign Policy* (January 2009), [http://www.foreignpolicy.com/story/cms.php?story\\_id=4626&page=0](http://www.foreignpolicy.com/story/cms.php?story_id=4626&page=0) (accessed 9 May 2012).

<sup>179</sup> British Broadcasting Corporation (BBC), "Jail Sentence for Somali Pirates," BBC News Website, 1 November 2006, <http://news.bbc.co.uk/2/hi/africa/6105262.stm> (accessed 9 May 2012).

<sup>180</sup> "Somali Pirates Open Fire on US Navy Ships," *Ports & Ships*, 20 March 2006, [http://ports.co.za/navalnews/article\\_2006\\_03\\_20\\_3048.html](http://ports.co.za/navalnews/article_2006_03_20_3048.html) (accessed 9 May 2012).

<sup>181</sup> ICC International Maritime Bureau, "Piracy And Armed Robbery Against Ships: Annual Report 1 January – 31 December 2006" (London: ICC International Maritime Bureau, 2007).

<sup>182</sup> ICC International Maritime Bureau, "Piracy And Armed Robbery Against Ships: Annual Report 1 January – 31 December 2007" (London: ICC International Maritime Bureau, 2008).

Also, the assault to free the American-flagged vessel *Maersk Alabama* by U.S. SEALs in April 2009 sent a strong warning to Somali pirates. Three pirates were killed and the ship's crew released.<sup>183</sup>

Despite increasingly violent attacks on pirates from the coalition forces patrolling off the coast of Somalia, the desired reduction of pirate attacks has not occurred. Currently, the European Union Naval Forces run Operation Atalanta to counter piracy in the GoA. The EU operation features 11 naval vessels and four aircraft. In addition, the U.S., India, Pakistan, Korea, and China have patrolled the area. However, with the Indian Ocean covering 1 million square miles and the Somali coast stretching over 1,880 miles, the task of stopping piracy by maritime means remain formidable. Although piracy attacks seemed to decrease in the first half of 2012, a maritime approach to stop the piracy problem seems unrealistic as the lack of land-based governance, popular support, and safe havens on shore remain unaltered.

### **3. Poverty**

Before 1991, Mogadishu was Somalia's industrial center. Even though production rates were relatively low, the area surrounding the capital had bottling plants, factories producing spaghetti, cigarettes, matches, and boats. There was a petroleum refinery, and in Kismaayo there were a meat-tinning factory, a tannery, and a modern fish factory. Somalia had two sugar refineries, one near Jilib on the lower reach of the Jubba and one at Jawhar (Giohar) on the middle reach of the Shabeelle.<sup>184</sup> The industry was largely destroyed during the Somali civil war fought between the two clan-based warlords, Muhammad Farah Aydid of the Somali National Alliance (SNA), and Ali Mahdi Muhammad of the Somali Salvation Alliance (SSA). These two factions battled with Siad Barre's clan militia, the Somali National Front (SNF), over control of the southern

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<sup>183</sup> "Three Navy SEALs freed Capt. Phillips from pirates with simultaneous shots from 100 feet away," *NYDailyNews.com*, 14 April 2009, <http://www.nydailynews.com/news/world/navy-seals-freed-capt-phillips-pirates-simultaneous-shots-100-feet-article-1.360392> (accessed, 21 May 2012).

<sup>184</sup> Encyclopædia Britannica Online, "Somalia," (n.d.), <http://www.britannica.com/EBchecked/topic/553877/Somalia>, under "Somalia," (accessed 10 February 2012)

Somali territory. The civil war devastated the grain producing region of Somalia, and led to a famine throughout southern Somalia.<sup>185</sup>

Political turmoil, the ousting of the ICU and subsequent takeover by the TFG and President Abdullah Yusuf Ahmed in 2006 did little to improve the poverty situation in Somalia. Since 2006, poverty, clan wars, and famine have continued to haunt the country. Approximately 10,000 people have been killed since 2006, and more than 1 million have been internally displaced or fled to neighboring countries. An estimated 7 million people were said to be on the verge of famine in July 2006, and again in the summer of 2008.<sup>186</sup> Continuous efforts from the World Food Program (WFP) have not yielded positive results. Repeated violent attacks on food convoys have made the provision of foreign aid increasingly difficult, and have effectively caused increased famine and poverty. The estimated GDP/capita in Somalia has remained low, at approximately \$500 annually, and the estimated income for a Somali over an average working lifetime of 29 years is \$14,500.<sup>187</sup> The situation has subsequently led to a booming business in piracy.

Although piracy in Somalia has been linked to poverty, there are indications that poverty alone may not be the most obvious reason for the rising number of attacks. Arguably, piracy or armed robbery against ships in Somali waters may have increased as a result of increased poverty. However, the level of investment, planning and organization behind offshore attacks suggest otherwise. According to interviews with Somalis, approximately 50 per cent of the ransom money goes to the pirates themselves. External financiers and investors take 30 per cent of the booty and supporting villagers get 20 per cent. However, figures presented by Geopolicity suggest that 40-50% of the proceeds are transferred out of Somalia, and the remaining 50-60% is shared between the pirates and the land-based support network. Exact ransom figures are difficult to verify due to the extensive use of informal money transfer systems in Somalia. There is,

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<sup>185</sup> Encyclopædia Britannica Online, "Somalia," (n.d.), <http://www.britannica.com/EBchecked/topic/553877/Somalia>, under "Somalia" (accessed 10 February 2012)

<sup>186</sup> Dana Hughes, "Somalia Piracy: On Land and Sea," ABC News Website, 18 September 2008, <http://blogs.abcnews.com/worldview/2008/11/somalia-chaos-a.html> (accessed 9 May 2012).

<sup>187</sup> Geopolicity, "The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia," Geopolicity Inc., May 2011, 11.

however, little doubt that the increased size of the ransoms has led to extreme wealth by Somali standards in several pirate havens along the Somali coast.<sup>188</sup> Still, there are only an estimated 1,500 pirates, out of a population of approximately 10 million, operating in the country.

The total estimated income for Somali pirates in 2010 was \$75-\$238 million.<sup>189</sup> According to estimates, between \$32.5 million and \$119 million were divided between 1,500 individuals and their clans and families, creating a significant disparity between pirates and non-pirates.<sup>190</sup> Arguably, one reason for piracy not spreading more is the control exercised by resourceful clan-based pirate networks, and a strong wish to keep the lucrative business and income among a few select clans and clan-families. Also, some analysts believe an increasing amount of money leaves Somalia without benefitting the population. Figures presented by Geopolicy indicate that approximately 40-50 per cent of the piracy proceeds are transferred to financiers in the diaspora via informal money transfer systems.<sup>191</sup> The amount of money transferred out of Somalia, the level of investment needed to plan and stage pirate attacks in the Indian Ocean, and the level of sophistication shown during ransom negotiations, suggest that poverty is merely an enabling factor added to the obvious lack of good central governance in Somalia. Also, if ransom money only benefits between 1,500 and 3,000 pirates, the general situation of Somali poverty seems to be of less importance than the opportunity presented by a lack of governance. What seems likely is that the ransom money has enabled the pirates to take control of local governing institutions, and to a great extent take over provision of basic services to populations in select areas along the Somali coast.

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<sup>188</sup> Jay Bahadur, "I'm Not a Pirate, I'm the Saviour of the Sea," *The Times*, 16 April 2009, <http://www.timesonline.co.uk/tol/news/world/africa/article6100783.ece> (accessed 9 May 2012).

<sup>189</sup> Geopolicy, "The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia," Geopolicy Inc., May 2011, iv.

<sup>190</sup> Geopolicy, "The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia," Geopolicy Inc., May 2011, iv.

<sup>191</sup> Geopolicy, "The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia," Geopolicy Inc., May 2011, iv.

## **D. CONCLUSION**

The growth of piracy in Somalia occurred after the fall of the Mohamed Siad Barre regime in 1991. The fall of the Barre regime led to political turmoil and removed the lid from a boiling pot of clan-based hatred and internal dispute among a variety of factions. As the turmoil continued, piracy not only increased, but spread further into the Indian Ocean. Puntland soon emerged as the preferred safe haven for the emerging pirate networks.

In 2008, the piracy situation off the coast of Somalia had reached levels that called for an international reaction and naval forces were sent to the GoA and the Indian Ocean to limit or stop acts of piracy, and to provide a secure environment for passing ships. In the years following, piracy spread and increased throughout the Indian Ocean as far out as 600 miles from the Somali coast. The maritime intervention, it seems, did little to stop the attacks.

A status quo of chaos dominates Somalia. Various transitional governments have done little to improve the chaotic situation, and government legitimacy throughout Somalia is non-existent, with the only exception being Somaliland in the north. Piracy thrives in this situation of political, social, and economic unrest. The lack of legal income sources and the absence of governance make piracy tempting as the risk of being prosecuted on land is minute. Piracy has rapidly changed from a vigilante coast guard into a “lucrative and highly organized illicit business.”<sup>192</sup>

Somali poverty has arguably enabled pirate networks to bribe officials, recruit new pirates, and buy support in poor coastal villages. However, involvement of international actors, government officials, and money launderers suggest that poverty is not a main driving force behind piracy in Somalia. Powerbrokers with assets support the pirate networks with funding and technical equipment that permit the lucrative business to continue. In return for their investments, sponsors and financiers are believed to earn

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<sup>192</sup> Geopolicity, “The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia,” Geopolicity Inc., May 2011, 8.

approximately 50 percent of the piracy proceeds. In addition, a significant network of Somali expatriates backs the pirate business from their positions in Europe and North America.<sup>193</sup>

Piracy in Somalia has rapidly grown into a trans-national problem. Pirates have ties to organizations and sponsors in Yemen, Lebanon, the United Arab Emirates, Europe, and North America.<sup>194</sup> It follows that piracy in the GoA and the Indian Ocean is caused not by a lack of maritime governance or poverty, but by an abundance of safe havens and a lack of governance on shore. Somali piracy may be limited by an increased maritime presence. However, to achieve a permanent result, piracy will eventually have to be combated on shore.

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<sup>193</sup> Geopolicy Inc., “The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia,” Geopolicy Inc., May 2011, 8.

<sup>194</sup> Geopolicy Inc., “The Economics of Piracy: Pirate Ransoms & Livelihoods off the Coast of Somalia,” Geopolicy Inc., May 2011, 8.

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## V. CONCLUSION

### A. SUMMARY

Piracy and other transnational threats are not results of contemporary globalization. These activities have occurred throughout history. However, globalization has increased the range and effects of these activities insofar as it has provided the physical means to cover increasing distances and to cross national borders. Also, globalization has increased the impact of piracy on world trade.<sup>195</sup>

Initially in the Caribbean, privateers were utilized to maintain territorial control. However, they were also used to extend the European wars during the 17th century. The use of privateers to enforce territorial control was also practiced in colonies in Southeast Asia. Somalia had a slightly different experience insofar as the privateers were largely self-organized. Still, common in all three cases has been the use of privateers within certain time frames to enforce territorial control.

The ebb and flow of piracy has occurred as the result of varying levels of land-based and maritime governance. Piracy during different periods may have started small. However, as governance decreased the level of organization and profit for pirates increased. In the Caribbean, Southeast Asia, and Somalia, pirates have taken advantage of local poverty to further their goal: increased financial wealth. Local support has been gained by bribery, coercion, and the promise of financial wealth. In the absence of governance, local institutions have been replaced by increasingly advanced and well-organized pirate networks.

Territories plagued by political and social unrest have historically been attractive to criminal networks. Also, the lack of viable income alternatives, combined with a lack of deterrence, has led to an increase in recruitment for these criminal networks. However,

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<sup>195</sup> Brian Fort, "Transnational Threats and the Maritime Domain," in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, ed. Graham Gerard Ong-Webb (Leiden: International Institute for Asian Studies, 2006), 25.

poverty as a main reason for the growth and existence of piracy remain unlikely. Poverty has existed in coastal societies for decades without leading to piracy.<sup>196</sup>

The lack of local institutions rather than the lack of a state could explain the rise in piracy over time and space. However, conditions in the Caribbean, Southeast Asia, and Somalia point towards a lack of central governance as the main reason for growth and existence of criminal pirate networks. Local institutions have been taken over by criminals benefitting from instability and a general lack of law and order. Piracy in the Caribbean was not decisively stopped until the pirates were denied sanctuaries on shore and the risk of prosecution and subsequent death penalties were increased to a certainty. This was achieved through an increase in maritime and land-based governance. Corrupt officials were replaced, and functioning central governance was reinstated.

The current development around the Strait of Malacca has come as a result of regional cooperation. Although the levels of land-based governance in Indonesia, Malaysia, and Singapore are significantly better than what exists in Somalia, piracy is controlled largely by maritime means. Unless the current military presence in the Strait is upheld, piracy is likely to recur as little is done to improve conditions on shore, and thus remove access to safe havens for the pirates.

## **B. IMPLICATIONS**

It is beyond the scope and purpose of this paper to discuss the intervention strategy for the current anti-piracy operation in the GoA. However, it seems timely to suggest that the planners of the campaign have not taken historical facts into consideration when crafting the strategy. The result is a campaign directed at a part of the piracy problem: enforcement of maritime governance.

According to *Geopolicity*, 70% of the pirate value chain is shore-based. By looking at three various cases of piracy, there are few indicators supporting elimination of pirates through increased maritime governance alone. The success of the Caribbean campaign lies in the political will to fight the pirates, with violence if necessary, on shore,

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<sup>196</sup> Emmanuel N. Sone, "Piracy In The Horn Of Africa: The Role Of Somalia's Fishermen," Master's thesis, Naval Postgraduate School, 2010.

in territorial waters, and in international waters. The pirates of the Caribbean were decimated because they were denied safe havens on shore.

If poverty and relative deprivation were a root cause of piracy, one should expect a significantly larger number of attacks off the coast of, for example, India, a country with a profound poverty problem, a long coastline, and with proximity to main shipping routes. Also, a lack of local institutions does little to explain the causes for piracy. It is not the existence of these institutions or lack thereof that determine the level of piracy, rather who is in charge of them. In order to ensure functioning institutions, and territorial control, a high level of land-based governance and security is needed. One finding of this thesis is that piracy will grow and exist in areas with insufficient land-based governance. It follows that piracy can only be decisively combated by addressing the governance issue.

Piracy off the coast of Somalia as well as in the Strait of Malacca could be decisively combated. However, this would require an intervention aimed at maritime governance, with first and foremost a restoration of land-based governance. As long as the majority of pirated vessels are released after payment of ransom money, and as long as the problem remains little more than a nuisance to international trade, a large-scale intervention to stop piracy off the coast of Somalia remains unlikely. Stopping piracy would require a significant involvement from a number of nations and be targeted towards financiers, facilitators, governance in Somalia and, finally, maritime governance in the GoA. The political will to decisively curtail the piracy problem does not exist, and the current intervention is likely to continue as a means to please the shipping business. An intervention in Somalia would be costly both financially and in human lives and the situation is not severe enough to inspire a sufficient level of international cooperation.

## **C. ANALYSIS**

Various theories have been posited to explain the decline of piracy in the 18th century. One theory is that the decline of piracy was caused by military campaigns directed towards the pirates, their ships, and their safe havens. Military campaigns were undoubtedly important in the campaign against the pirates of the 18th century. However,

these campaigns were supported by a significant increase in land-based governance. The means with which the pirates were fought increased the risks attached to piracy, and effectively deterred recruitment of new pirates.

Arguably, the decline in the Spanish looting of the South American continent, and the increased trade with Asia in the 19th, 20th and 21st centuries also resulted in a decline in possible targets in the Caribbean. However, parallel conditions led to the rise of modern piracy in the Strait of Malacca and in the greater Gulf of Aden.

The rise of modern piracy is dominated by two schools of thought. One prominent theory is that the rise of modern piracy is caused by poverty and relative deprivation.<sup>197</sup> Another school of thought explains the growth of piracy as a result of weak local institutions rather than the lack of a state.<sup>198</sup> The rise in modern piracy, both in East Africa and in Southeast Asia, suggests that poverty in itself has little bearing on the rise and fall of piracy anywhere. Instead, territorial governance depends on a functioning central government and remains the key to the rise and fall of piracy.

The GoA is still troubled by the presence and activities of pirates. The entire coast of East Africa, with the exception of the South African territory, is either listed as “in danger” or “critical” on the Failed States Index 2011.<sup>199</sup> The status of the states in the region, the size of the Gulf of Aden and the Arabian Sea, combined with the size of failed or failing countries and their coastlines, makes counter-piracy in the region a formidable task. Also, since the current intervention is directed towards the lesser of two factors, a short-time solution to the problem remains unlikely.

Arguably, a lasting solution to the current problem faced in the GoA can only be achieved through a massive collaboration involving large-scale improvement of central government in the countries surrounding the GoA. The important questions are whether

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<sup>197</sup> Eric Frecon, “Piracy in the Malacca Straits: Notes from the Field,” (2005), *IAAS Newsletter* 36.

<sup>198</sup> Stig Jarle Hansen, Modern Piracy as a Subject of Academic Enquiry, *International Relations*, December 2008, <http://www.e-ir.info/?p=593> (accessed 3 November 2011), 3.

<sup>199</sup> The Fund For Peace, “The Failed States Index 2005–2011,” <http://www.fundforpeace.org/global/?q=fsi> (accessed February 6, 2012).

the problem is significant enough for Western countries to pay for long-time intervention aimed at improving regional governance, and whether such an intervention is worthwhile.

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